

1 STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY
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4 STATE OF WISCONSIN,

5 PLAINTIFF, JURY TRIAL
6 vs. TRIAL DAY 1
Case No. 06 CF 88

7 BRENDAN R. DASSEY,
8 DEFENDANT.

9
10 **DATE:** APRIL 16, 2007

11 **BEFORE:** HON. JEROME L. FOX
12 Circuit Court Judge

13 **APPEARANCES:**

14 KENNETH R. KRATZ
Special Prosecutor
On behalf of the State of Wisconsin.

15 THOMAS J. FALLON
Special Prosecutor
On behalf of the State of Wisconsin.

16 NORMAN A. GAHN
Special Prosecutor
On behalf of the State of Wisconsin.

17 MARK R. FREMGEN
Attorney at Law
On behalf of the defendant.

18 RAYMOND L. EDELSTEIN
Attorney at Law
On behalf of the defendant.

19 BRENDAN R. DASSEY
20 Defendant
21 Appeared in person.

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TRANSCRIPT OF PROCEEDINGS

Reported by Jennifer K. Hau, RPR

Official Court Reporter

1	<u>I N D E X</u>			
2				<u>PAGE</u>
3	<u>PRELIMINARY JURY INSTRUCTIONS</u>			5-20
4	<u>OPENING STATEMENTS</u>			
5	BY ATTORNEY KRATZ			21-82
6	BY ATTORNEY FREMGEN			82-97
7	<u>WITNESSES</u>			
8	<u>KAREN HALBACH</u>			
9	Direct Examination by ATTORNEY KRATZ			102-122
10	Cross-Examination by ATTORNEY FREMGEN			122
11	<u>KATIE HALBACH</u>			
12	Direct Examination by ATTORNEY KRATZ			123-132
13				
14	<u>THOMAS FASSBENDER</u>			
15	Direct Examination by ATTORNEY KRATZ			133-196
16	Cross-Examination by ATTORNEY EDELSTEIN			196-223
17	Redirect Examination by ATTORNEY KRATZ			223-224
18	<u>EXHIBITS</u>	MARKED	MOVED	ADMITTED
19	1-10		120	122
20	11		132	132
21	12		132	132
22	13		132	161 & 162
23	14		132	132
24	15-77		196	196
25	78	192	196	196

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(Reconvened at 9:07 a.m.)

THE COURT: Court will call the case of
State of Wisconsin vs. Brendan R. Dassey, 06 CF 88.
Appearances, please.

ATTORNEY KRATZ: The State appears by
Calumet County District Attorney Ken Kratz, also
appearing is Tom Fallon from the Department of
Justice, Norm Gahn from the Milwaukee County
D.A.'s Office, all appearing as special
prosecutors.

ATTORNEY FREMGEN: Attorney Mark Fremgen
and Attorney Raymond Edelstein appear with
Brendan Dassey.

THE COURT: At this point I'd ask the clerk
to swear the jury in, please.

THE CLERK: Would the jurors please rise?
Please raise your right hands.

(Jurors sworn.)

THE COURT: Counsel, I'm going to give some
preliminary instructions for the record. We have
previously discussed these and, uh, both sides agree
to the instructions to be given today; is that
correct, Mr. Kratz?

ATTORNEY KRATZ: Yes.

THE COURT: Mr. Fremgen?

1 ATTORNEY FREMGEN: Yes, Judge.

2 THE COURT: All right. Before the trial
3 begins, there are certain instructions you should
4 better have to understand your functions as a juror
5 and how you should conduct yourself during the
6 trial. Your duty is to decide the case based only
7 on the evidence presented and the law given to you
8 by the Court. Do not let any personal feelings of
9 bias or prejudice against any such things as race,
10 religion, national origin, sex or age affect your
11 deliberations.

12 Do not begin your deliberations and
13 discussion of the case until all the evidence is
14 presented and I have instructed you on the law.
15 Do not discuss this case among yourselves or with
16 anyone else until your final deliberations in the
17 jury room.

18 We will stop or recess from time to time
19 during the trial. You may be excused from the
20 courtroom when it is necessary for me to hear
21 legal arguments from the lawyers. If you come in
22 contact with the parties, lawyers, or witnesses,
23 do not speak with them. For their part, the
24 parties, lawyers, and witnesses will not contact
25 or speak with the jurors.

1 Should you be exposed to any reports or
2 communications from any source concerning the
3 case during the trial, you should report that
4 information to the jury bailiff. The Court is
5 aware that many of you've been exposed to
6 publicity concerning this case before you were
7 selected to serve as a juror. Each of you has
8 committed to base your verdict only on the
9 evidence introduced during the trial. It is of
10 vital importance to the parties and the sanctity
11 of the court process that you remain true to this
12 commitment.

13 Anything you may see or hear outside the
14 courtroom is not evidence. You are to decide the
15 case solely on the evidence offered and received
16 at trial.

17 Evidence is, first, the sworn testimony
18 of witnesses, both on direct and
19 cross-examination, regardless of who called the
20 witness.

21 Second, the exhibits the Court has
22 received.

23 And, third, any facts to which the
24 lawyers have agreed, or stipulated, or which the
25 Court has directed you to find.

1 Attorneys for each side -- side have the
2 right and the duty to object to what they
3 consider are improper questions asked of
4 witnesses and to the admission of other evidence
5 which they believe is not properly admissible.

6 You should not draw any conclusions from
7 the fact that an objection was made. By allowing
8 testimony or other evidence to be received over
9 the objection of counsel, the Court is not
10 indicating any opinion about the evidence. You
11 jurors are the judges of the credibility of the
12 witnesses and the weight of the evidence.

13 You are not required to, but you may
14 take notes during the trial except during the
15 opening statements and closing arguments. The
16 Court will provide you with materials. In taking
17 notes, you must be careful that it does not
18 distract you from carefully listening to and
19 observing the witnesses.

20 You may rely on your notes to refresh
21 your memory during deliberations. Otherwise,
22 keep them confidential. Your notes will be
23 collected by the jury bailiff after each day's
24 session and kept in a secure place until the next
25 day of trial. After the trial, the notes will be

1 collected and destroyed.

2 You will not have a copy of the written
3 transcript of the trial testimony available for
4 use during your deliberations. You may ask to
5 have specific portions of the testimony read to
6 you. You should pay careful attention to all the
7 testimony, because you must rely primarily on
8 your memory of the evidence and testimony
9 introduced during the trial.

10 To assist you in evaluating the
11 evidence, I will now read to you portions of the
12 specific jury instructions for the offenses with
13 which the defendant is charged. I will read them
14 to you in their entirety at the close of the
15 evidence.

16 Count 1. Count 1 of the Information
17 charges the defendant with first degree
18 intentional homicide, as party to a crime -- to
19 the crime. Section 939.05 of the Wisconsin
20 Criminal Code provide that whoever's concerned in
21 the commission of a crime is a party to that
22 crime and may be convicted of that crime although
23 that person did not directly commit it.

24 The State contends that the defendant
25 was concerned in the commission of the crime of

1 first degree intentional homicide by either
2 directly committing it or by intentionally aiding
3 and abetting the person who directly committed
4 it.

5 If a person intentionally aids and abets
6 the commission of a crime, then that person is
7 guilty of the crime as well as the person who
8 directly committed it. A person intentionally
9 aids and abets the commission of a crime when
10 acting with knowledge or belief that another
11 person is committing or intends to commit a
12 crime, he knowingly either assists the person who
13 commits the crime, or is ready and willing to
14 assist, and the person who commits the crime
15 knows of the willingness to assist.

16 To intentionally aid and abet the crime
17 of first degree intentional homicide, the
18 defendant must know that another person is
19 committing or intends to commit the crime of
20 first degree intentional homicide and have the
21 person -- and have the purpose to assist the
22 commission of that crime.

23 Before you may find the defendant guilty
24 of first degree intentional homicide as a party
25 to the crime, the State must prove by evidence

1 which satisfies you beyond a reasonable doubt
2 that the defendant directly committed the crime
3 of first degree intentional homicide or
4 intentionally aided and abetted the commission of
5 that crime.

6 All 12 jurors do not have to agree on
7 whether the defendant directly committed the
8 crime of first degree intentional homicide or
9 aided and abetted the commission of the crime.
10 However, each juror must be convinced beyond a
11 reasonable doubt that the defendant was concerned
12 in the commission of the crime in one of those
13 ways.

14 First degree intentional homicide, as
15 defined in 940.01 of the Criminal Code of
16 Wisconsin, is committed by one who causes the
17 death of another human being with the -- the
18 intent to kill that person or another.

19 Before you may find the person -- the
20 defendant guilty of first degree intentional
21 homicide, the State must prove by evidence which
22 satisfies you beyond a reasonable doubt that the
23 following two elements were present:

24 Number one, Brendan Dassey caused the --
25 the death of Teresa Halbach, or aided and abetted

1 another in causing the direct -- the death of
2 Teresa Halbach.

3 "Cause" means that the defendant's acts
4 were a substantial factor in producing the death.

5 Number two, Brendan Dassey acted with
6 the intent to kill Teresa Halbach, whether he did
7 so directly or aided and abetted another.

8 "Intent to kill" means that the
9 defendant had the mental purpose to take the life
10 of another human being, or was aware that his
11 conduct was practic -- practically certain to
12 cause the death of another human being.

13 While the law requires that the
14 defendant acted with intent to kill, it does not
15 require that intent exists for any particular
16 length of time before the act is committed. The
17 act need not be brooded over, considered, or
18 reflected upon for a week, a day, an hour, or
19 even a minute. There need not be any appreciable
20 time between the formation of the intent and the
21 act.

22 The intent to kill may be formed at
23 anytime before the act, including the instant
24 before the act, and must continue to exist at the
25 time of the act.

1 You cannot look into a person's mind to
2 find intent. Intent to kill must be found, if
3 found at all, from the defendant's acts, words
4 and statements, if any, and from all the facts
5 and circumstances in this case bearing upon
6 intent. Intent should not be confused with
7 motive. While proof of intent is necessary to a
8 conviction, proof of motive is not.

9 Motive refers to a person's reason for
10 doing something. While motive may be shown as a
11 circumstance to aid in establishing the guilt of
12 a defendant, the State is not required to prove
13 motive on the part of the defendant in order to
14 convict.

15 Evidence of motive does not, by itself,
16 establish guilt. You should give it the weight
17 you believe it deserves under all of the
18 circumstances.

19 You're satisfied beyond a reasonable
20 doubt at the conclusion of the trial that the
21 defendant directly committed both elements of
22 first degree intentional homicide, or that the
23 defendant intentionally aided and abetted the
24 commission of that crime, you should find the
25 defendant guilty. If you are not so satisfied,

1 you must find the defendant not guilty.

2 Count 2 charges the defendant with
3 mutilating a corpse, also as a party to a
4 crime -- to the crime. Section 939.05 of the
5 Criminal Code of Wisconsin, provide that whoever
6 is concerned in the commission of a crime is a
7 party to that crime and may be convicted of that
8 crime although that person did not directly
9 commit it.

10 The State contends that the defendant
11 was concerned in the commission of the crime of
12 mutilating a corpse by either directly committing
13 it or by intentionally aiding and abetting the
14 person who directly committed it.

15 If a person intentionally aids and abets
16 the commission of a crime, then that person is
17 guilty of the crime as well as the person who
18 directly committed it. Person intentionally aids
19 and abet the com -- abets the commission of a
20 crime when acting with knowledge or belief that
21 another person is committing or intends to commit
22 a crime, he either knowingly assists the person
23 who commits the crime, or is ready and willing to
24 assist, and the person who commits the crime
25 knows of the willingness to assist.

1 To intentionally aid and abet the crime
2 of mutilating a corpse, the defendant must know
3 that another person is committing or intends to
4 commit the crime of mutilating a corpse and have
5 the purpose to assist the commission of that
6 crime.

7 Before you may find the defendant guilty
8 of mutilating a corpse as a party to the crime,
9 the State must prove by evidence which satisfies
10 you beyond a reasonable doubt that the defendant
11 directly committed the crime of mutilating a
12 corpse or intentionally aided and abetted the
13 commission of that crime.

14 All 12 jurors do not have to agree
15 whether the defendant directly committed the
16 crime of first degree, uh -- or uh, mutilating a
17 corpse or aided and abetted the commission of the
18 crime. However, each juror must be convinced
19 beyond a reasonable doubt that the defendant was
20 concerned in the commission of the crime in one
21 of those ways.

22 Mutilating a corpse, as defined in
23 Section 940.11 (1) of the Criminal Code of
24 Wisconsin, is violated by one who mutilates a
25 corpse with intent to conceal a crime, or avoid

1 apprehension, prosecution, or conviction for a
2 crime.

3 Before you may find the defendant guilty
4 of this offense, the State must prove by evidence
5 which satisfies you beyond a reasonable doubt
6 that the following two elements were present:

7 Number one, Brendan Dassey mutilated the
8 corpse of Teresa Halbach, or aided and abetted
9 another in mutilating the corpse of Teresa
10 Halbach.

11 Number two, in mutilating the corpse of
12 Teresa Halbach, or in aiding and abetting another
13 in mutilating her corpse, Brendan Dassey acted
14 with the intent to conceal the crime. This
15 requires that the defendant acted with the
16 purpose to conceal a crime.

17 You cannot look into a person's mind to
18 find out about intent. Intent must be found, if
19 found at all, from the defendant's acts, words
20 and statements, if any, and from all the facts
21 and circumstances in the case bearing upon
22 intent.

23 If you are satisfied beyond a reasonable
24 doubt at the conclusion of the trial that Brendan
25 Dassey directly committed both elements of this

1 offense, or that Brendan Dassey directly aided
2 and another -- aided and abetted another in the
3 commission of the crime, you should find the
4 defendant guilty. If you are not so satisfied,
5 you must find the defendant not guilty.

6 Count 3 charges the defendant with first
7 degree sexual assault by use or threat of a
8 dangerous weapon, also as a party to a crime.
9 Section 939.05 of the Criminal Code of Wisconsin
10 provides that whoever is concerned in the
11 commission of a crime is a party to that crime
12 and may be convicted of that crime although the
13 person did not directly commit it.

14 The State contends that the defendant
15 was concerned in the commission of the crime of
16 first degree sexual assault by either directly
17 committing it or by intentionally aiding and
18 ab -- and abetting the person who directly
19 committed it. The person intentionally aids and
20 abets the commission of a crime, then that person
21 is guilty of a crime as well as the person who
22 directly committed it.

23 Person intentionally aids and abets the
24 commission of a crime when acting with knowledge
25 and belief that another person is committing or

1 intends to commit a crime, he knowingly either
2 assists the person who commits the crime or is
3 ready and willing to assist, and the person who
4 commits the crime knows of the willingness to
5 as -- to assist.

6 To intentionally aid and abet the crime
7 of first degree sexual assault, the defendant
8 must know that another person is committing or
9 intends to commit the crime of first degree
10 sexual assault and have the pers -- have the
11 purpose to assist the commission of that crime.

12 Before you may find the defendant guilty
13 of first degree sexual assault as a party to a
14 crime, the State must prove by evidence which
15 satisfies you beyond a reasonable doubt that the
16 defendant directly committed the crime of first
17 degree sexual assault or intentionally aided and
18 abetted the commission of that crime.

19 All 12 jurors do not have to agree
20 whether the defendant directly committed the
21 crime of first degree sexual assault or aided
22 and -- and abetted the commission of that crime.
23 However, each juror must con -- be convinced
24 beyond a reasonable doubt that the defendant was
25 concerned in the commission of the crime in one

1 of those ways.

2 First degree sexual assault, as defined
3 in Section 940.225 (1) (b) of the Criminal Code of
4 Wisconsin, is committed by one who has sexual
5 intercourse with another person without consent
6 and by use or threat of a dangerous weapon.

7 Before you find the defendant guilty of
8 this offense, the State must prove by evidence
9 which satisfies you beyond a reasonable doubt
10 that the following three elements were present:

11 Number one, the defendant had sexual
12 intercourse -- course with Teresa Halbach.

13 Number two, Teresa Halbach did not
14 consent to the sexual intercourse.

15 Number three, the defendant had sexual
16 intercourse with Teresa Halbach by use or threat
17 of a dangerous weapon. This requires that the
18 defendant actually used or threatened to use the
19 dangerous weapon to compel Teresa Halbach to
20 submit to sexual intercourse.

21 If you are satisfied beyond a reasonable
22 doubt that all three elements of first degree
23 sexual assault have been proven, you should find
24 the defendant guilty. If you are not so
25 satisfied, you must find the defendant not

1 guilty.

2 In reaching your verdict, examine the
3 evidence with care and caution. Act with
4 judgment, reason and prudence.

5 Defendants are not required to prove
6 their innocence. The law presumes every person
7 charged with the commission of an offense to be
8 innocent. This presumption requires a finding of
9 not guilty unless in your deliberations you find
10 it is overcome by evidence which satisfies you
11 beyond a reasonable doubt that the defendant is
12 guilty.

13 The burden of establishing every fact
14 necessary to constitute guilt is upon the State.
15 Before you can return a verdict of guilty, the
16 evidence was -- must satisfy the -- you beyond a
17 reasonable doubt that the defendant is guilty.

18 If you can reconcile the evidence upon
19 any reasonable hypothesis consistent with the
20 defendant's innocence, you should do so and
21 return a verdict of not guilty.

22 The term "reasonable doubt" means a
23 doubt based upon reason and common sense. It is
24 a doubt for which a person can be given -- uh,
25 for which a reason can be given arising from a

1 fair and rational consideration of the evidence
2 or lack of evidence. It means such a doubt as
3 would cause a person of ordinary prudence to
4 pause or hesitate when called upon to act in the
5 most important affairs of life.

6 A reasonable doubt is not a doubt which
7 is based on mere guesswork or speculation. A
8 doubt which arises merely from sympathy or from
9 fear to return a verdict of guilt is not a
10 reasonable doubt. A reasonable doubt is not a
11 doubt such as may be used to escape the
12 responsibility of a decision.

13 While it is your duty to give the
14 defendant the benefit of every reasonable doubt,
15 you are not to search for doubt, you are to
16 search for the truth.

17 The lawyers will now make opening
18 statements. The purpose of an opening statement
19 is to give the lawyers an opportunity to tell you
20 what they expect the evidence will show so that
21 you can better understand the evidence as it is
22 introduced during the trial. I must caution you,
23 however, that the opening statements are not
24 evidence. Mr. Kratz? Juror Covington, were you
25 able to hear me when I gave these instructions?

1 JUROR COVINGTON: Yes.

2 THE COURT: All right. Let's proceed.

3 ATTORNEY KRATZ: Can everybody hear me
4 okay? As our tech guy comes up here, I wanted to
5 say good morning. Thank you for the service that
6 you have offered in this case. Uh, you are from
7 Dane County. You're not a Manitowoc County jury,
8 and so it's a great inconvenience, I know, for
9 all of you to sit and listen to this very
10 important case. But let me assure you that this
11 process, the process that you've been going to in
12 the next couple of weeks, um, may include one of
13 the most important decisions, uh, that you're
14 ever going to have to make.

15 Uh, it is a, uh -- a daunting task for
16 citizens to go through, uh, but it is, uh,
17 obviously important not just to Mr. Dassey, but
18 to the, uh, Halbach family, to the friends of the
19 family, uh, of Teresa Halbach, to the citizens of
20 Manitowoc County, uh, where we currently, uh, are
21 holding this trial.

22 Uh, the trial, itself, or my opening
23 statement, itself, uh, is not intended to be
24 evidence. The Judge already told you that. Um,
25 but it will be a little bit lengthy, uh, in that

1 we have to take what, uh, may be six or seven
2 weeks of testimony into a trial, uh, and at least
3 in this case fit it into about three days, uh,
4 worth of testimony. And much of the evidence in
5 this case is not contested, uh, will be
6 stipulated to, meaning agreed to, uh, and so you,
7 the jurors, since you don't have the same basis
8 of knowledge that the lawyers do, uh, you have to
9 be told the background and a lot of those facts,
10 and so I'll be doing that in my opening statement
11 as well as having some witnesses testify, uh,
12 about that, uh -- about that as well.

13 Uh, you will notice around the courtroom
14 are, um, screens, uh, which, um, do, in most
15 regards, um, have the, uh, text or photos or the
16 videotapes that you'll be watching. Uh, they are
17 meant to assist you and give you different places
18 to, uh -- to see those things, and so I wanted to
19 encourage you to do that as well.

20 Let me also remind you that this is not,
21 um, a closed system in that you can't, uh,
22 participate. Uh, the one way that you can
23 participate, uh, is if one of you needs a break
24 for some reason. Uh, I need to let you know that
25 if you need a break, uh, either, if you're, um,

1 not concentrating well enough, or you just need
2 a -- a regular, uh, kind of other kind of break,
3 just raise your hand, all right? Get my
4 attention or the Judge's attention, and we'll
5 take a break.

6 And, certainly, during this opening
7 statement, you'll get at least one, and perhaps
8 two, breaks, uh, so that you're able to remain
9 fresh, you're able to, um, listen to the very
10 important statements that myself and the defense
11 will be giving in this opening statement. All
12 right?

13 First thing I want to talk about is an
14 introduction of the prosecution team. That is,
15 the people that are sitting at or near this
16 table. My name's Ken Kratz. It's the first
17 chance I've had to address each of you. Uh, I am
18 a district attorney. I'm the D.A. of Calumet
19 County, which is the county just east, uh, of
20 Manitowoc, of, uh -- excuse me, just west of
21 Manitowoc, uh, where we are, uh, right now.

22 Uh, and I am the lead counsel. Nothing
23 special about that term. It just means that, uh,
24 I have, uh, coordinated the, uh, investigation
25 and prosecution of this case, uh, and will be

1 assisting in the presentation of the case as
2 well.

3 Um, Mr. Fallon, who you already heard
4 from, is an assistant, uh, district attorney.
5 Um, Mr. Fallon, uh, works for the Department of
6 Justice in Madison. Uh, he's the gentleman in
7 the middle, and, uh, will be another prosecutor
8 in this case.

9 And, finally, Mr. Gahn is a Milwaukee
10 County Assistant District Attorney. Uh, Mr. Gahn
11 will be presenting the parts of the case, you'll
12 notice, where Mr. Gahn has expertise. Uh, that
13 is in DNA evidence, uh, and in the sciences and
14 some of the other places. So I at least wanted
15 to let you know why we're involved.

16 We, by the way, are helping, we're doing
17 a favor, if you will, for Manitowoc County. Uh,
18 the three prosecutors that have been assigned
19 responsibility for this, uh, important case and
20 the case involving Steven Avery, uh, which were
21 the same prosecutors, the same prosecution team,
22 uh, assisted Manitowoc in, um -- in the efforts
23 of the prosecution.

24 Two lead investigators were involved in
25 this case. Uh, they are, um, Mr. Mark Wiegert,

1 who is the gentleman in the glasses. Mr. Wiegert
2 is an investigator with the Calumet County
3 Sheriff's Department. And Mr. Tom Fassbender,
4 who is seated next to him, works, again, for the
5 Department of Justice, Division of Criminal
6 Investigation.

7 You're going to learn in this case that
8 several hundred law enforcement officers were
9 involved. Um, that the personnel and the search
10 efforts in this case were, uh, overwhelming. In
11 fact, you're probably going to learn that this
12 was one of the largest, if not, the largest, at
13 least by resources, investigation, criminal
14 investigation, homicide investigation in
15 Wisconsin history. And because of the scope of
16 this case, because of the size of this case, it
17 required investigators to coordinate or to make
18 sure that everything was done, uh, not only
19 properly, but leadership, uh, and direction was,
20 uh -- was certainly required in this case.

21 If I could have, uh, just a minute.
22 We're going to try to fix at least these two
23 screens so that all of the, uh, text shows, but
24 that doesn't mean I'm going to stop. I'm a
25 lawyer so I can -- I can just keep, uh -- keep

1 talking.

2 Opening statements, as the Judge told
3 you, are an opportunity to tell you what we think
4 the evidence is going to show. But more than
5 that, it's a, uh -- it's a roadmap. It's an
6 overview. Since evidence comes in in bits and
7 pieces, some people describe, uh, trials as, um,
8 puzzles, jigsaw puzzles, if you will, and how
9 evidence may fit into there.

10 You need to know how each little piece
11 of evidence in this two-week trial is going to
12 fit into the big picture. Is going to fit into
13 whether or not Brendan Dassey is guilty of the
14 three offenses for, uh, which he has been
15 charged.

16 Uh, I've told you, and you know, and
17 most of you, in fact, I think all of you, uh,
18 have indicated in your questionnaires that you
19 were at least somewhat familiar with the Steven
20 Avery, uh, case. But you didn't hear the
21 evidence in that case. Um, and some of that
22 evidence, as I mentioned, may or may not be
23 contested, but because of the importance of this
24 case, it's still necessary to tell you the whole
25 story. It's necessary to explain all of the

1 physical evidence, as well as the evidence that
2 may be directed towards, uh, Brendan Dassey, and
3 some of that evidence, again, will be physical
4 evidence and some is going to be statements. Uh,
5 and so we intend, uh, to tell you about all of
6 that, certainly, during this opening statement
7 and, uh -- and during this process.

8 The Judge told you that Mr. Dassey's
9 been charged with three separate offenses; first
10 degree intentional homicide, mutilating a corpse
11 and first degree sexual assault. He told you the
12 elements. That is, what it is the State has to
13 prove. And we certainly intend to do that.

14 All right. The first legal concept that
15 I want to talk about is party to the crime. The
16 Judge has instructed you that party to the crime
17 is a, uh -- a concept, a -- a form of criminal
18 liability, that, uh, is committed either when
19 somebody commits a crime, themselves, or when
20 they aid and abet the commission of the crime.

21 Now, this is the law. Judge Fox will
22 tell you what the law is. So whether you think
23 this is a good idea or a bad idea, it's the law
24 and you have to follow this law. And so the
25 description or the explanation of, as an example,

1 what aiding and abetting means, is important for
2 you to know.

3 The Judge has told you that a defendant
4 can aid and abet the commission of crime, um, if
5 he assists somebody who commits it or,
6 importantly, and what you might hear in this
7 case, as the evidence may show in this case, uh,
8 quite a bit, is that the individual, in this
9 case, Brendan Dassey, stood ready and willing to
10 assist, and that the actor, in this case, Steven
11 Avery, uh, was an individual who knew of
12 Brendan's willingness to aid and abet. All
13 right?

14 Now, I'm telling you that this early in
15 the case because this is an important concept.
16 It's important for you to understand what the
17 criminal liability is, and, again, whether you
18 agree with or don't agree with that concept, with
19 the concept of party to the crime, it's something
20 the Judge tells you you have to accept and you
21 have to adopt.

22 I'm going to introduce you to a lovely
23 young woman. This is Teresa Halbach. Ms.
24 Halbach was 25 years old on Halloween of 2005.
25 You're going to hear evidence in this case that

1 Ms. Halbach was single. That Ms. Halbach was a
2 college graduate. Ms. Halbach was a freelance
3 photographer. She was a daughter. She was a
4 sister. She was a friend. And she had her whole
5 life ahead of her.

6 You're also going to hear evidence that
7 all of that came to an end on Halloween of 2005.
8 This story, this case, begins at about 8:12 a.m.
9 on Halloween Day of 2005 when the plan was set
10 into motion to take this young woman's life. The
11 plan was set into motion to rape, and to kill,
12 and to mutilate this 25-year-old innocent, young
13 woman.

14 The investigation of this case begins
15 when we learn that Ms. Halbach was reported
16 missing on Thursday, the 3rd of November, 2005.
17 She was a photographer. One of her contracts,
18 one of the reasons, uh, that she was a
19 photographer was she worked for a magazine. She
20 worked for something called *AutoTrader Magazine*,
21 which was a magazine that sells cars. It -- it,
22 uh, put ads in the cars, and it requires
23 photographers to go around and take pictures, uh,
24 of those cars.

25 Uh, and so learning about Ms. Halbach,

1 or learning how she worked for *AutoTrader*
2 *Magazine*, is important for you to understand
3 about the investigation, because you will learn
4 that the investigation, or at least the missing
5 persons investigation, determined that the last
6 place that Ms. Halbach was on the 31st was a
7 place called the Avery Salvage Yard.

8 Uh, this is a place located here in
9 Manitowoc in a place called the town of Gibson.
10 It's rural Manitowoc. It's kind of the northern
11 edge, uh, of Manitowoc, uh, but it's a -- a
12 junkyard, a -- a salvage business that has junked
13 cars. Uh, and the, uh, other determination early
14 on in this case was that a man by the name of
15 Steven Avery made an appointment at 8:12 that
16 morning to have Ms. Halbach come to that
17 residence, or to come to that property, which was
18 the Avery salvage property.

19 I've alluded a little bit earlier about
20 the case against Steven Avery, and you first need
21 to know about the case against Steven Avery, the
22 investigation, uh, that pointed towards Steven
23 Avery being involved in this case.

24 You may already know, and many of your
25 jury questionnaires told us that you knew, at

1 least some things about this man, about Steven
2 Avery, that he had achieved some degree of
3 notoriety in 2003 when he was exonerated, when he
4 was released from prison for a 1985 sexual
5 assault.

6 You may know that Mr. Avery, or you'll
7 hear in this case, that Mr. Avery was exonerated
8 or set free because of something called DNA
9 evidence. Because there was some DNA evidence
10 from the '85 case that didn't match, uh, in that
11 case, and that an analyst from the State Crime
12 Lab, one particular analyst, found DNA on one
13 piece of evidence, on a hair that was collected
14 from the 1985 case, that didn't match. That
15 didn't match Steven Avery. And so Mr. Avery was
16 released. He was released from prison.

17 Ironically, you will hear, that that,
18 um, analyst from the Crime Lab, the DNA, um,
19 specialist who exonerated Steven Avery, was a
20 woman named Sherry Culhane. You're going to hear
21 her name later on in this case, because Ms.
22 Culhane, as evidence is developed in this case,
23 happens to be the very same analyst that does the
24 DNA, um, workup. That does all of the testing of
25 the DNA case.

1 All right. I'm going to -- Because the
2 side screens are not quite as large, the bottom's
3 cut off or the top is cut off, you're going to
4 have to look behind me at least until we take our
5 break when we fix, uh, these side screens.

6 But this is the very first time, and the
7 very first important photo that I want you all to
8 look at. This is the Avery salvage property.
9 The Avery Salvage Yard. It consists of about 40
10 acres of junked cars. It consists of four
11 different residences. Four trailers on this
12 peep -- piece of property.

13 The Steven Avery trailer, which is
14 located in the bottom left-hand corner of the
15 screen, or which would be the northwest corner of
16 the property. Right next to Mr. Avery's trailer
17 is his sister's, uh, property. Her name at that
18 time was Barb Janda. Also living with Barb at
19 the time were her sons, four sons, all with the
20 name of Dassey. Uh, they included, uh, the
21 defendant, Brendan Dassey, uh, his brothers, uh,
22 Blaine and Bobby and Bryan. They all lived on
23 that property as well.

24 Another trailer that's located on this
25 property was the Allen and Delores Avery trailer.

1 These were the grandparents of Brendan, or the
2 mom and dad, if you will, of, uh, Steven and, uh,
3 his sister, Barb.

4 And also on the property was the -- his
5 brother, Chuck's, trailer. So there's four
6 residences. You can see of the buildings that
7 are on this massive, um, um, property for them
8 are businesses. You'll also notice on these, um,
9 aerial photographs that there's lots of
10 buildings. There's outbuilding, there's business
11 buildings, there's, uh, a lot of sheds and those
12 kind of things that, uh, you need to be familiar
13 with as you hear about some of the searches and
14 where some of the evidence, uh, is -- is found.
15 All right?

16 Well, the investigation takes a dramatic
17 turn on the morning of, uh, Saturday, November 5,
18 when, uh, two citizen searchers, uh, uh, Nikole
19 and Pam Sturm, uh, when given permission to
20 search the Avery salvage property, these 40
21 acres, uh, happened to find the picture that
22 you've seen here. They happened to find Teresa
23 Halbach's SUV.

24 Uh, you'll notice, uh, Teresa Halbach's
25 SUV is covered. It is concealed. Uh, there'll

1 be testimony that it was intentionally concealed,
2 uh, with branches of debris and this very large,
3 um, hood for a vehicle. A -- a -- a large, uh,
4 either car or truck hood is -- is leaned up
5 against it.

6 Suffice it to say, though, that at 10:30
7 in the morning on the 5th of November, this case
8 takes a very dramatic turn. You'll hear that the
9 VIN number, that is the Vehicle Identification
10 Number, when they're looking for Teresa, when the
11 citizens are searching for Teresa, actually
12 matches, uh, and so they know at that time that
13 the, uh, vehicle is, in fact, the vehicle in
14 question.

15 Importantly, you'll hear evidence about
16 where the vehicle was found. Ms. Halbach's
17 vehicle was found in the opposite corner of both
18 the Avery and Dassey, uh, trailer. Uh, and,
19 again, it's behind kind of a pond, but it's
20 immediately adjacent to or close to a car
21 crusher.

22 Uh, that, uh, car crusher is equipment,
23 you will hear in this case, evidence will show,
24 uh, is the kind of equipment designed to crush
25 cars. It kind of makes sense. It's -- it's

1 called a -- a car crusher. But to make vehicles,
2 um, very, very small, almost unidentifiable, and
3 easily removed, uh, from the property. And
4 you'll see why, and you'll hear why, uh, Teresa
5 Halbach's vehicle is placed, uh, in that
6 location. That is, that proximity to the car
7 crusher.

8 You'll also hear later on that night,
9 after search warrants are obtained -- You'll hear
10 what search warrants are. Search warrants are
11 judicial authorization. Uh, that is, a judge
12 tells law enforcement that you can go ahead and
13 search a property for, um, evidence of a crime.

14 Uh, and after those search warrants were
15 obtained, you're going to hear that first evening
16 that, uh, some K-9 units, what are called cadaver
17 dogs, at least insentence -- insensitively called
18 cadaver dogs, uh, dogs that are trained to find
19 and detect human remains, um, they, in fact, uh,
20 hit on, uh, the, um, vehicle of, uh, uh, Teresa
21 Halbach, uh, alerting, indicating that there was
22 either a deceased individual in the back of that
23 car, or that there's human blood, uh, in the back
24 of the car.

25 You're going to hear evidence that this

1 vehicle was loaded onto an enclosed trailer. It
2 wasn't processed there at the scene. It was
3 actually driven to Madison, to the Madison Crime
4 Lab, for processing at that time. All right?

5 Now, let me just tell you, again, this
6 is a lot of information. This is, uh, days and
7 days and days worth of, uh, testimony that,
8 again, we're going to try to, uh, kind of fit
9 into a short period of time because, uh, it's
10 important to get to the crux of this case, uh,
11 what we'll be able to show a little bit later.

12 But on Saturday, residences and places
13 are starting to be searched. All right? The
14 first place, or at least one of the first places
15 to be searched, is the trailer of, uh, Steven
16 Avery.

17 You'll hear from Agent Fassbender, and
18 others that are involved in this search effort,
19 that they want to find Teresa. Their first
20 efforts -- And early on in this case, uh, even
21 though they found her vehicle, Teresa hasn't been
22 found yet. And so they're desperately looking
23 for Teresa Halbach, hopefully, alive. They're
24 hoping to find her on this property alive.

25 And so you're going to hear of the law

1 enforcement effort to search all of these
2 residences, again, which include the trailer,
3 which include the garage of Steven Avery, and
4 other residences, including Brendan Dassey's, uh,
5 home, uh, business, uh, properties, uh, on the
6 property, uh, and also other, um, vehicles. In
7 fact, all of the junked cars. Uh, you'll see
8 photos of 4,000 junked cars.

9 I hope at the end of this case you'll be
10 able to appreciate just how many cars that is to
11 search, each and every one of those cars, on at
12 least two or three different occasions, by not
13 only law enforcement, but volunteer firefighters
14 and other, uh, citizen searchers. All right?

15 Um, also, on, uh, the next day, that is
16 on the 6th, that Sunday, the 6th of November,
17 you're going to hear that every one of those
18 junked cars is opened, is searched. Again,
19 they're looking for Teresa Halbach's body.

20 You're going to hear that a rifle, one
21 of the two rifles that was in Steven Avery's
22 residence was seized that Sunday. Uh, this rifle
23 is a .22 caliber Marlin Glenfield semi-automatic,
24 uh, rifle. You'll hear about the significance of
25 this rifle, but you'll hear that it was actually

1 hanging on the wall -- at least when officers
2 found it -- hanging on a gun rack right on the
3 wall in the bedroom of Steven Avery.

4 You're going to hear about, uh, a phone
5 message, uh, that was, uh, recovered. Uh, this
6 phone message was recovered from Brendan
7 Dassey's, uh, home. Uh, you're going to hear in
8 this case -- and I know that I've advanced a
9 little bit quickly for you, but when Steven Avery
10 made the appointment to lure Teresa Halbach to
11 the property, evidence will show that he used the
12 name, B. Janda. His sister's name is Barb Janda.

13 So using his sister's name, using his
14 sister's phone number, or the call back number,
15 uh, you're going to hear, uh, this -- or expect
16 you'll hear this, uh, tape, this, um, uh, voice
17 recording of Teresa, indicating that she got the
18 message, uh, that, uh, the time that, uh, she
19 would be able to come and take photographs of a
20 van that was for sale was sometime after 2:00,
21 uh, on that day. But, again, it was recovered
22 and you'll be able too hear, um, that evidence.

23 On Monday, uh, the 7th, the Crime Lab --
24 uh, and, again, it's a little bit better if you
25 look at -- at this -- um, they make a startling

1 discovery. Remember the SUV of Teresa was taken
2 to the, um -- the Crime Lab for processing? They
3 found male blood in six different locations in
4 the SUV and they found a great deal of female
5 blood in the back, or what's called the cargo
6 area, of Teresa's, uh, SUV. These were the first
7 results, uh, they had gotten. They didn't get
8 any D re -- DNA results back yet, but they could
9 tell it was male blood, and they could tell that
10 it was both, uh, female blood.

11 You'll hear from investigators, from
12 Mr. Fassbender, and even from some of the Crime
13 Lab people, that when you find male blood and you
14 find that amount of female blood, uh, in the back
15 or in the cargo area of an SUV, it became very
16 obvious on Monday, the 7th, just a couple of days
17 into this investigation, that something terrible
18 had happened. That a crime had happened.
19 Criminal behavior, uh, was afoot, and that, uh,
20 the search then began for what person or persons
21 were involved in committing these crimes.

22 Also, on Monday, you're going to hear
23 about a burn barrel that was recovered from just
24 outside of Steven Avery's, uh, residence. Uh,
25 the Steven Avery and the Brendan Dassey, uh,

1 residences, again, are next to each other, kind
2 of between them, closer to Mr. Avery's house, is
3 an Avery, um, burn barrel.

4 Uh, this is another photograph to kind
5 of give you a -- an idea of how close not only
6 the burn barrel is to the Steven Avery trailer,
7 but also, and more importantly, how close this
8 burn barrel is to the van. This is the maroon
9 van that Teresa Halbach, the evidence will show,
10 was asked to come and take pictures of on
11 Halloween Day on 2005, and so you'll hear about,
12 uh -- about all of those things.

13 The next day, Tuesday, uh, the 8th,
14 you're going to hear that a thorough search was,
15 um, performed of Steven Avery's trailer. Uh, and
16 found in Steven Avery's bedroom was a key. This
17 was a Toyota key. You will hear evidence that
18 later this Toyota key matches the key of Teresa
19 Halbach's SUV. It starts the ignition. It
20 turns, uh, um, the ignition.

21 The second important finding on the 8th
22 was Teresa's license plates. These are found in
23 a junked vehicle, uh, kind of on the path on the
24 way to Steven Avery and Brendan Dassey's, uh,
25 residence.

1 And the third, and most chilling,
2 discovery, uh, on the 8th, the evidence will
3 show, is, uh, this burn area.

4 Now, to give you an idea or an overview,
5 again, of this corner, this quadrant, of the
6 Avery property, again, the, uh, Dassey and Janda
7 trailer, Steven Avery trailer, the van that was
8 for sale, you'll be able to see that, uh, this
9 burn area, uh, was found just a -- a few feet
10 behind the garage of Steven Avery.

11 You're going to hear evidence that
12 within this burn area, um, obvious human bone
13 fragments were found. You're going to hear that
14 the Crime Lab came to process this scene, that
15 arson investigators came to process the scene.
16 They recovered, uh, at least on that first day,
17 that is, Tuesday, the 8th, as many of the bones
18 that they could recover from this obvious, um,
19 uh, destructive, uh, area, this burn area, and
20 the evidence will, uh, show that, um, uh -- how
21 the bones were, uh -- were recovered and
22 transported for identification and examination.

23 You're going to hear that officers --
24 Remember, this is Tuesday. They had gotten there
25 Saturday already. That officers weren't able to,

1 um, recover or to even examine this area. Uh,
2 either police officers, themselves, humans, or
3 with the assistance of K-9s, cadaver dogs, or
4 bloodhounds, or any kind of search dogs, were not
5 able to, uh, inspect this particular area, um,
6 because of a German Shepherd that was, uh,
7 vicious and that was guarding that particular,
8 uh, area. That particular burn area.

9 This is a photo that just assists you
10 and explains why it took until Tuesday to find
11 these, um, human remains in that area. All
12 right?

13 We'll move a little bit more quickly
14 into the following -- or into the balance of that
15 week. Uh, the recovery of those bones, you will
16 hear, were in very, very, uh, small, um, size.
17 They were also very, um, degraded. They were
18 charred. Um, but they were all examined, um, by
19 a forensic anthropologist. We'll talk about that
20 a little bit, uh, later in the case. But what
21 you need to know on Wednesday is that they were
22 able to say that they're human bones and that
23 they're from an adult female.

24 Uh, officers, obviously, at this point
25 believe that this is the site of the mutilation

1 and the disposal of Teresa Halbach.

2 Later, on the next day, on Thursday, uh,
3 this burn area -- this is a little
4 computer-generated image of the burn area, uh,
5 officers, um, are able to further excavate and,
6 um, recover all the rest of the bones that, uh,
7 are found in that area.

8 And let me just take a -- a moment, uh,
9 to tell you about these computer-generated
10 images, uh, that you're going to see. There's a
11 gentleman by the name of Tim Austin. He is a,
12 um, employee with the Wisconsin State Patrol.
13 Uh, Tim Austin was at the scene for, uh, at least
14 seven of the days, uh, that led up to or included
15 the processing of the scene, and Mr. Austin --
16 you're going to hear evidence he took at least
17 4,100 measurements and later created, uh, not
18 only still images, uh, of the exterior of the
19 property, exterior of Mr. Avery's, uh, garage,
20 and trailer, and the burn area, and, uh, the
21 Janda and Dassey areas, um, but also some of the
22 interiors.

23 Because you're not going to be able to
24 go out there, because you're not going to be able
25 to do a -- a scene visit, um, Mr. Austin created

1 for you, uh, kind of a tour. Um, many of you
2 might be familiar with at least with some kind of
3 computers, virtual tours, that you're able to
4 kind of tour the area and -- and get kind of a --
5 a -- a lay of the land, if you will, and you'll
6 hear how accurate, uh, the depictions are.
7 You're going to see it. You're going to see the
8 virtual tour so that you get a better flavor or
9 feel for where one item might be in relation to
10 another. All right? So, uh, we also have for
11 you these computer-generated images, um, that
12 you'll see.

13 Now, you heard about Sherry Culhane.
14 You heard about her doing some DNA work in this
15 case. Now, you're going to hear that Ms. Culhane
16 received from law enforcement 180 items -- 180
17 items of evidence, uh, where officers asked that
18 a DNA profile be developed. Uh, you're going to
19 hear that that is the largest submission of
20 evidence, ever, at the Wisconsin State Crime Lab,
21 uh, and that the amount of DNA work in this case,
22 uh, was absolutely overwhelming.

23 Ms. Culhane, and although not as
24 important, uh, in, uh, this case, uh, will still
25 tell you about all of the profiles that she was

1 able to develop. She'll tell you what DNA is,
2 and it's a genetic fingerprint, and how you can
3 make matches and all those kind of things. All
4 right?

5 With that having been said, though,
6 you're going to hear that one of the bones that
7 was recovered, one of the bones that was
8 recovered in the pit, still had some tissue on
9 it. So it had some muscle tissue on the bone.
10 It wasn't completely burned. It wasn't
11 completely degraded. This allowed Ms. Culhane,
12 uh, to develop a DNA profile, uh, and, in fact,
13 positively match this leg bone, uh, to the
14 sample, to the exemplar, to the standard of
15 Teresa Halbach.

16 So after that, um, bone is examined, and
17 ~~after a DNA profile is established, there isn't~~
18 any more question as to who this female skeleton
19 is, this mutilated, um, fragmentary skeleton
20 belongs to, and that is, with 100 percent
21 certainty, Teresa Halbach.

22 So the investigative timeline, that is,
23 the first, um, eight or ten days of this case,
24 um, includes -- These aren't going to help you
25 because we have stuff on the bottom. So you're

1 going to have to look forward. Again, I
2 apologize for that. That will be fixed at, uh --
3 at the break.

4 But on the 31st of October, um, Teresa
5 Halbach is killed. You're going to hear about
6 the timeline of October 31. You're going to hear
7 that at 8:12 in the morning on the 31st, Steven
8 Avery lures or calls, um, *AutoTrader Magazine*,
9 and Teresa Halbach is asked to come out to the
10 scene. You're also going to hear she'd been
11 there five times before, um, but always with the
12 name of, uh, Steven Avery. Uh, at least I think
13 that's what the evidence is going to show. But
14 Mr. Avery used a different name, uh, that is, B.
15 Janda, to get her to come out on that afternoon.

16 You're going to hear at 11:43 that
17 morning, so sometime just before noon, Teresa
18 Halbach makes that call, that's recorded, to
19 Brendan Dassey and Barb Janda's answering machine
20 saying, I can come out. Uh, I'll be out there
21 sometime after 2:00, uh, today.

22 You're going to hear about the two stops
23 she made before Steven Avery's and Brendan
24 Dassey's residence. That is, at the Steven
25 Schmitz residence about 1:30, and sometime

1 between 2 and 2:30 at a woman by the name of
2 JoEllen Zipperer's. Uh, the similar kind of
3 stops. She stops, she takes pictures of the
4 cars, she gives them an *AutoTrader Magazine*, a
5 bill of sale, she completes the transaction
6 before taking the photo for *AutoTrader*, and then
7 she goes on to her next stop that day.

8 Well, her next stop that day, uh, was
9 that of, um -- at the Steven Avery salvage
10 property. You're going to hear at 2:27 p.m. a
11 woman from *AutoTrader*, Dawn Pliszka, talks to,
12 uh, Teresa Halbach. You're going to hear that
13 during that conversation, um, Ms. Halbach says,
14 I'm on my way. I'm on my way to the Steven Avery
15 property. So when we talk about a timeline, when
16 was she there? About when does she get there?

17 ~~You're going to hear that the Zipperer~~
18 residence is less than ten minutes from the Avery
19 property. And if at 2:27 she says, I'm on my
20 way, it can be no longer or later than 3:27 or
21 about 3:40. Excuse me, 2:27 or about 2:40 in the
22 afternoon, 20 to 3, that Teresa Halbach gets to
23 Steven Avery's property where the photos are
24 taken.

25 You will hear evidence that she

1 completes the transaction. She takes the photos
2 of the van just like she's been asked to do. Uh,
3 you will then hear, uh, in, unfortunately,
4 graphic detail, what happens at Teresa Halbach
5 after 2:40 in the afternoon.

6 Let's go back to the investigation for
7 just a minute, though. Teresa doesn't show up
8 for work on the 1st or 2nd of, um, November. On
9 the 3rd, the Halbach family and friends become
10 understandably concerned, and they begin to
11 retrace Teresa's steps. Where is Teresa? How
12 can we find her?

13 On the 4th, both the citizen efforts and
14 the law enforcement efforts to find Teresa are
15 kind of ramped up. Um, they do aerial searches,
16 uh, they look at financial transactions, they
17 check out her cell phone records, and which
18 towers that her cell phone kind of ping off of,
19 or bounce off of, and also you'll hear about the
20 distribution of missing person posters at that
21 time by citizens.

22 You'll hear that on the morning of the
23 5th her vehicle is found at 10:30 in the morning
24 by the Sturms. At about 2:00, investigators, uh,
25 become actively involved in searching, or at

1 least in obtaining search warrants, and then, uh,
2 searching the property, and you'll then hear
3 about the searches continuing.

4 Uh, very quickly, on Sunday, the, um,
5 firearms and garage is searched, and you'll hear
6 about the evidence, uh, that is obtained.

7 On the 7th, it becomes more full scale.
8 Lots and lots, in fact, hundreds of law
9 enforcement officers and volunteers and citizens
10 become involved in the search of this massive
11 40-acre property. Uh, at that time all the
12 junked vehicles, uh, are searched, and you'll
13 hear about the discovery of the burn barrel.

14 On the 8th, those three critical
15 discoveries that we talked about, uh, that is,
16 the Toyota key being found in Steven Avery's
17 bedroom, uh, SUV plates are found at that time,
18 and the burn area is discovered, which -- excuse
19 me -- contains, uh, those human remains.

20 The 9th becomes an important day.
21 Steven Avery's arrested. Steven Avery's arrested
22 for a weapons charge. On the 9th, he's
23 interviewed. But what you'll also hear about the
24 Steven Avery contact on the 9th, uh, is that
25 officers take some photographs. They do a, uh,

1 physical examination of Steven Avery, and they
2 find a cut that you'll see in just a few minutes.

3 On the 10th, the burn area is further,
4 um, examined. On the key, itself, on the key
5 that was found in Steven's bedroom, they find his
6 DNA. We'll talk about that a -- a -- a little
7 bit, uh -- a little bit further.

8 On the 11th, um, the victim's blood,
9 that is the female blood, from within the SUV --
10 Remember the big pool? Or the big, uh, stains in
11 the cargo area in Teresa's, uh, SUV? Uh, those
12 now match, uh, a soda can that Teresa had up in
13 the front of the vehicle. It's then presumed,
14 uh, to be that of Teresa Halbach's.

15 So those are the first, uh, eight days
16 or so of the investigation and what you need to
17 know. Again, that's probably, you know,
18 two-and-a-half or three weeks, or could be, of
19 testimony that, in this case, we're going to try
20 to fit into a layer of evidence, try to fit into
21 about two days, maybe two-and-a-half days. So
22 it's going to go quickly, but it's meant to give
23 you a flavor of the size of this case, the scope
24 of this case, uh, and also, to the credit not
25 only of the Halbach family and to the memory of

1 Teresa, but you need to hear it. You need to
2 hear the whole story, uh, of the investigation.

3 We talked about those DNA matches that,
4 uh, Ms. Culhane developed at the, uh, Crime Lab.
5 You're going to hear that Teresa's, um, blood,
6 uh, is, in fact, later positively identified,
7 positively matched, to a standard in the cargo
8 and -- and panel, uh, area.

9 The back cargo door. You're going to
10 hear about, uh, blood having been actually flung,
11 uh, onto that door. You're going to hear from a
12 person by the name of Nick Stahlke, a blood
13 spatter expert, as to how those kind of blood
14 spatters, uh, can be left in a very violent, uh,
15 kinds of -- uh, of episodes.

16 You're going to hear her blood was found
17 on the rear tailgate, uh, the door handle, and,
18 again, on the -- on the soda can.

19 Uh, Steven Avery's blood, uh, is found,
20 like I told you, in six different places in the
21 vehicle. Positive matches, uh, for Steven Avery,
22 on the, uh, rear passenger door, near the
23 ignition area, um, where Steven Avery's actively
24 bleeding finger actually leaves some DNA, uh, in
25 the ignition area. Also, in the front, that is

1 the front passenger part, of the SUV, that is on
2 the, uh, CD case and, uh, on both of the front
3 seats.

4 I told you before about the cut, the
5 actively bleeding cut, on Steven Avery, uh, on
6 the 9th. We will show you pictures, uh, of the
7 remnants of that cut. It was healing, uh, but
8 just how deep that cut was. And you can draw the
9 conclusions, and, in fact, uh, it may or may not
10 even be contested that his finger was actively
11 bleeding on the 31st when he struggled with
12 Teresa, uh, and when he, uh, loaded her in the
13 back of, uh, uh, the vehicle, uh, and helped and
14 dispose of the vehicle to, uh, conceal that
15 particular crime.

16 And, finally, you're going to hear
17 evidence of the DNA of Steven Avery being found
18 on Teresa Halbach's key. You're going to hear
19 about how DNA is the same whether it's in your
20 blood, whether it's in other bodily fluids, um,
21 perspiration, skin cells, semen, uh, other kinds
22 of places. It's the same genetic code. It's the
23 same DNA that's found. And when Steven was
24 handling, uh, that, uh, key, uh, he left his
25 perspiration, he left his sweat on that key, and

1 Ms. Culhane, excuse me, was able to develop a
2 full profile. All right?

3 Everybody take a deep breath, because
4 we're now going to start talking about the reason
5 that you're here. That was all of Steven Avery's
6 case where the evidence that pointed -- excuse
7 me -- to Steven Avery.

8 Uh, this is going to be a time when the
9 Judge is going to allow you to take a few minute
10 break, your morning break. Excuse me. After you
11 return, we will then tell you about what evidence
12 it is that the State intends to show, uh, and why
13 it is, uh, that the State intends to prove beyond
14 a reasonable doubt that that man, uh, that
15 Brendan Dassey -- excuse me -- committed the
16 crimes of first degree intentional homicide,
17 mutilation, and sexual assault.

18 So if we may, Judge, a -- a 10- or
19 15-minute --

20 THE COURT: Certainly.

21 ATTORNEY KRATZ: -- break at this time,
22 and when you come back, uh, I will conclude my
23 opening statement. Thank you, very much.

24 THE COURT: We'll recess for 15 minutes.

25 (Recess had at 10:13 a.m.)

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(Reconvened at 10:32 a.m.)

ATTORNEY KRATZ: The screens have been fixed. The reason we're here is for Brendan Dassey. For the jury to consider Brendan Dassey's behavior. Uh, that is whether he participated in criminal behavior.

The Judge instructed you that you're going to be able to take notes during the testimony in this case, during the presentation of -- of the evidence. Um, and as you take notes, um, it oftentimes is a suggestion from the lawyers, Mr., um, Fremgen or -- or Edelstein, whoever is giving their opening statement, may have suggestions, uh, for you as well.

But in note taking, in taking detailed notes, which you're going to be able to use during your deliberations, the two questions at least that the State is going to ask, or present evidence, that's going to ask you to answer are these: Number one, was he there? And, number two, did he help? Was he there? And did he help?

On November 6, Brendan Dassey, right after this case began, right after the investigation began in this case, denied any

1 knowledge of Teresa Halbach's death. Uh,
2 indicated some version that he had seen his Uncle
3 Steve talking with, uh, Teresa, but the
4 investigators pretty much discarded that, because
5 it wasn't consistent, it didn't fit with the
6 timeline. Didn't fit with the evidence.

7 Remember, Teresa got there about 2:40.
8 You're going to hear evidence that Brendan didn't
9 get off the bus from school until 3:45, a full
10 hour after that meeting, after Teresa would have
11 been talking out on a porch with, uh, Mr. Avery.
12 And so Brendan was nowhere on the radar screen.
13 He was nowhere, uh, a suspect. He was a -- a
14 witness, like any other witness, who might have
15 been on the property.

16 That tends to change on February 27 when
17 Brendan starts giving new details. He's
18 reinterviewed, uh, based upon some, uh, other
19 information that was obtained by Mr. Fassbender
20 and Mr. Wiegert, and he then becomes a much more
21 important witness. He's a witness at this point.

22 He says he sees Steve standing near the
23 fire. He sees body parts of Teresa Halbach in
24 the fire. He helps put fuel on the fire to help
25 kind of stoke up the fire, if you will. And

1 Uncle Steve makes some admissions that, uh, Uncle
2 Steve stabbed Teresa Halbach, but that also that
3 Mr. Dassey saw some clothing. And,
4 interestingly, he said he saw Teresa's clothing
5 in a bag and he saw them in a bag in the garage.

6 Well, as officers, you will learn, kind
7 of reconstructed that February 27 statement.
8 They started saying, as investigators do, well,
9 wait a second, that can't happen that way. How
10 can he describe Teresa Halbach's clothing if
11 they're in a bag?

12 Forensic interviews, you will hear --
13 you'll hear testimony from, uh, Investigator Mark
14 Wiegert -- uh, are designed for witnesses.
15 Witnesses give interviews, and forensic
16 interviewing, uh, you will hear, um, some version
17 of what's called the funnel technique. And I'm
18 not going to bore you right now, because I'll let
19 Mr. Wiegert bore you, uh, later with, uh -- with
20 what the funnel technique is.

21 The theory, though, is that witnesses
22 when you're trying to get details, the evidence
23 will show, is that you start with a free
24 narrative. A narrative. Tell me everything you
25 know about what happened in the case. And then

1 it becomes more and more directed. Uh, you can
2 ask direct questions, or more focused questions,
3 or even, in the rare case, you can ask leading
4 questions, to try to draw out of witnesses what
5 they know about the case. That makes sense. It
6 makes sense that you want them to tell you
7 everything, but you're going to have to follow up
8 with, um -- with questions.

9 You're also going to hear, though, that
10 there's a difference between interviews and
11 interrogations. Interrogations are designed for
12 suspects. They're not designed for witnesses.
13 And you're going to hear in this case -- in fact,
14 you're going to hear a lot in this case -- about
15 interrogations, about the interrogative process,
16 about the process of asking questions, and the
17 process of obtaining truthful information from
18 suspects.

19 You're going to hear that confessing to
20 a crime, and, in fact, the most serious crime is
21 murder, but confessing to any crime is an
22 unnatural act. It goes against a human's, um,
23 feeling of self-preservation. Okay? That should
24 make sense to -- to everybody, and the evidence
25 is going to show that. That it is difficult to

1 have somebody admit to a very, very serious, um,
2 crime.

3 And so there are techniques that are
4 developed to encourage suspects. Again, these
5 are interrogations, these aren't interviews. But
6 to encourage suspects to provide truthful
7 information. You're going to hear about those
8 techniques, that those techniques include some
9 kind of an accusation that the person's not
10 telling the truth. And in every confession,
11 every admission that Mr. Wiegert, and perhaps
12 other witnesses, will tell you about, they always
13 start with a denial. I wasn't involved in the
14 case.

15 You will then hear how confessions or
16 admissions move from denials to admissions. It's
17 called shifting from denials to admissions.
18 You're going to hear about the stages where an
19 individual will become in a very passive mode,
20 will allow the investigator to do most of the
21 talking. In fact, you'll hear about body
22 language, and looking down, and -- and, uh,
23 really kind of, uh, allowing the investigator to
24 give their version about what happened.

25 And you will see a point -- They'll

1 describe a point -- that is, investigators will
2 describe a point -- in every interrogation where
3 this happens, but in Mr. Dassey's case, you will
4 see a point where that first admission occurs.
5 The first acceptance of some responsibility for
6 being involved in the case. All right? Then the
7 rest of the interrogation is drawing out as many
8 details as you possibly can.

9 Now, I told you that, um, moving from
10 denials to admissions are unnatural. It's a
11 difficult kind of thing to do, and there's two
12 techniques in this case, and you'll see evidence
13 in this case, um, that you'll hear a lot.

14 The first technique, uh, is something
15 called expressing superior knowledge.
16 Investigators oftentimes -- and if you think
17 about it they have to -- they oftentimes express
18 that they know more than they do. Uh, that they
19 have more information than they really have.

20 You're going to hear evidence, you're
21 going to hear testimony, when officers say things
22 like, it's all right, we already know what
23 happened, or words to that effect, in this case,
24 you're going to hear that over and over and over
25 again, it's all right, we already know what

1 happened, understand that the officers will
2 explain that that is a technique. It is a
3 technique to encourage that unnatural act. To
4 encourage the act of going from a denial, uh, to,
5 uh, an admission.

6 You'll also hear testimony about how
7 guilty people, that is, people who really do
8 commit crimes, how they hear that very phrase,
9 it's all right, we already know what happened,
10 how they hear that differently than somebody
11 who's innocent, or somebody who may not have
12 committed a crime. All right?

13 So you can kind of figure it out
14 yourselves. I mean, jurors, you'll be able to
15 figure this out, and the evidence will help you
16 with that, but guilty people, when they hear we
17 already know what happened, will tend to make
18 admissions. Innocent people, who weren't
19 involved at all, who hear we already know what
20 happened, will think, good, then you're going to
21 know I wasn't involved, and so how it plays on,
22 and you'll need to kind of understand that
23 difference in the dynamic.

24 The last, um, concept that you'll hear
25 about, that I want to talk about in opening

1 statement, is giving a suspect a reason to admit.
2 We talked about that before. Uh, is a suggestion
3 that they will feel better. That they will have
4 some moral acceptance. All right? Some real or
5 perceived better feelings about themselves if
6 they get it off their chest. So whether you'll
7 sleep better, or you'll feel better, or you'll
8 get it off your chest, or words to that effect,
9 when you hear that in this case, know, and you'll
10 hear evidence about, that this is a technique --
11 an interrogation technique -- and you'll hear a
12 lot about that.

13 Well, there's safeguards, too, that
14 you're going to hear about. We don't just, uh,
15 base your case on admissions or confessions of
16 people, but you have to try to verify what it is
17 that somebody says. And this screen explains
18 some of those things that the testimony will show
19 in this case.

20 Can that person's statement be verified,
21 or what's called "corroborated", through physical
22 evidence or other known facts? Right? That
23 makes sense.

24 Number two, were the details not yet
25 known to the public, and, more importantly, I'm

1 going to throw in here, were they not yet even
2 known to the law enforcement officers who were
3 asking the question?

4 And, number three, the ability of the
5 suspect to resist false suggestions. Not to
6 resist suggestions, but to resist false
7 suggestions.

8 We'll talk about that when we talk about
9 these March 1 statements.

10 Now, you're going to hear in this case
11 that there was nothing unique about the March 1
12 interrogation of Brendan Dassey other than it
13 started off as a witness' statement. Remember,
14 on March 1 Brendan Dassey was still a witness.
15 He was not a suspect at all. He wasn't on, uh,
16 the radar screen. All Brendan did at that point,
17 or all the police knew at that point, is that he
18 may have seen some things in a fire of his Uncle
19 Steve, Steven, um, uh, Avery. And you're going
20 to see that entire March 1 statement given by
21 Brendan Dassey.

22 Now, some of it is going to be difficult
23 to watch for a couple of reasons.

24 Number, one, some of it's really boring,
25 um, but we're going to show you start to finish

1 the entire admission. I think it's about four
2 hours long. So as you think later in this week,
3 um, just prepare yourselves, you're going to have
4 four hours of sitting and watching, um, a lot of
5 times, not very interesting, um -- interesting
6 questions.

7 But let me also warn you, because it's
8 fair for me to do this, that some of the details
9 may be disturbing. Uh, they are statements made
10 by a young man who involved himself in some very,
11 very serious behavior, some very serious choices.
12 And you're going to hear how he made those
13 choices, and the kinds of things that he and his
14 uncle did to this 25-year-old girl. All right?

15 Now, we have to give you those details.
16 We have to play the entire, um, statement for
17 you. You're the jury in this case. You have to
18 determine whether or not this makes sense, the
19 degree of detail that Brendan gives, the words
20 that Brendan uses, whether or not they ought to
21 be believed. That's your job. Your job at the
22 end of this case will decide whether that
23 statement ought to be believed.

24 I'm going to briefly go through what
25 Brendan Dassey says on March 1, the version --

1 Brendan's version of what happened to Teresa
2 Halbach.

3 Brendan Dassey, in, again, sometimes
4 graphic detail, will talk about approaching Uncle
5 Steve's trailer, and before he even knocks on the
6 door, he hears screaming. He hears screaming
7 from inside of the trailer, and he knocks on the
8 door.

9 Now, remember what I told you before
10 about, um, Brendan's statements and should they
11 be believed, and the things that, uh, was he
12 there, uh, and did he help?

13 Uh, remember, also -- And at the end of
14 my opening, we're going to talk about some
15 choices and the evidence of some choices that
16 Brendan makes. But the choice to knock on the
17 door, even though you hear screaming from a young
18 woman inside, uh, is the first choice that
19 Brendan makes.

20 You're going to hear that Steven Avery
21 answers the door. You're going to hear that he's
22 sweaty, and that he tells Brendan Dassey that he
23 has raped this woman that he has in the back of
24 his bedroom. These are difficult, hard images to
25 kind of wrap your mind around. But this is the

1 version that Brendan Dassey gave on the 31st of
2 October.

3 Brendan actually sees Teresa tied up.
4 He sees her shackled with handcuffs and leg irons
5 to the back bed -- in the back bedroom. And,
6 here, when we talk about decisions, Mr. Avery,
7 himself, asks Brendan if he wants to have sex
8 with the woman that's been restrained in the
9 bedroom now.

10 Some of the language is very graphic,
11 um, he -- they don't use the word, do you want to
12 have sex. All right? They use some very, very
13 crude, degrading language towards any woman, but
14 certainly towards a young woman, uh, who is in
15 this trailer already.

16 When we talk about those decisions that
17 Brendan gets to make at this point, Brendan says,
18 yes, I want to do that.

19 You're going to hear that Brendan Dassey
20 rapes Teresa Halbach. You hear that he walks
21 into the bedroom while Teresa's restrained on the
22 bed, and by force, and by violence, and with the
23 use and threat of a weapon, he has sexual
24 intercourse with this woman without her consent.

25 You're going to hear a lot more details

1 that I'm not going to share with you at this time
2 about that particular moment, that particular,
3 um, event. I want you to listen to that young
4 man's description of what Teresa Halbach says to
5 him as he's doing that to her.

6 After the rape, Steven Avery praises his
7 nephew, and says, that's how you do it. These
8 are explanations, again, from Brendan. The
9 repulsive expression, lack of empathy, lack of
10 any kind of moral fiber, any kind of moral
11 compass at all, for an uncle to tell a nephew,
12 that's how you do it.

13 Then Steven and Brendan discuss if they
14 should, and how they should, kill Teresa Halbach.
15 Again, the decision tree. What does Brendan
16 decide to do? Steve says, will you help me?
17 Brendan says, yes. You'll hear testimony about
18 Steven and Brendan going into the bedroom.
19 Steven Avery stabs the victim. Brendan Dassey,
20 handed the knife by Uncle Steve, cuts Teresa
21 Halbach's throat.

22 You're going to hear that they take, um,
23 this 25-year-old woman, unclothed, to the garage.
24 They place her on the floor. Dassey waits with
25 Teresa Halbach, who is not yet dead, laying on

1 the floor, as Mr. Avery retrieves his .22 caliber
2 Marlin Glenfield semi-automatic rifle, and
3 Brendan says Uncle Steve shoots her ten times, at
4 least twice in the head, including on the left
5 side of her head.

6 The statement goes on that Avery and
7 Dassey load Ms. Halbach, who's now been killed,
8 thankfully, into the back of her -- cargo area of
9 her SUV, and they decide how to dispose of her
10 body.

11 Mr. Avery dis -- discusses and decides
12 that, uh, we should burn the body. Should
13 mutilate the body so that it can conceal the
14 crime. Mr. Dassey will tell investigators that
15 he helped. That he helped carry this unclothed
16 young woman to this large bonfire in the back of
17 Steven's garage and throws this young girl on the
18 fire.

19 You're going to hear that, um,
20 Mr. Dassey describes burning, mutilating the body
21 to conceal the murder, and taking this very large
22 car seat -- remember, you saw that in earlier
23 pictures -- and the two of them threw this car
24 seat onto the fire.

25 By the way, let me just stop here, and,

1 as you take notes, as you take notes during this
2 trial, please remember to jot down the kinds of
3 things that require two people. Please remember
4 to jot down where it's a two-man job rather than
5 a one-man job, to help you decide, was he there?

6 This is one of those places that
7 requires a two-man job. This large, um, car seat
8 that you'll see, this large metal frame, that's
9 thrown on top of this young woman whose body's
10 being mutilated.

11 You're going to hear Brendan tell the
12 officers that the vehicle was driven down to that
13 pit area that we, uh, talked about, that it was
14 concealed with branches and a car hood, and the
15 license plates were removed, and Steven Avery,
16 for some reason, went underneath the hood of, uh,
17 Teresa's vehicle.

18 Brendan Dassey will tell you that the
19 garage that, thereafter, when they walked back,
20 that the garage was cleaned with bleach, was
21 cleaned with gas, was cleaned with paint thinner,
22 that Mr. Avery took the Toyota key, put it into
23 his bedroom, that Teresa's clothes were thrown
24 onto the fire.

25 They're statements from Brendan.

1 Remember this. Brendan's telling you that her
2 clothes were thrown on the fire, that Avery's
3 finger was cut and actively bleeding at the time,
4 that Teresa's cell phone and camera were burned
5 in the burn barrel earlier that day, and that
6 Steven's girlfriend, Jodi, Jodi Stachowski, had
7 called Steven Avery's house at least twice while
8 Brendan was at the house.

9 Those are the statements of an
10 individual. The details of an individual who's
11 committed rape and murder and mutilation. It's
12 your decision, the jury's decision alone, whether
13 or not he was there and whether or not he helped.
14 And when you evaluate Brendan's testimony, you're
15 going to have to come up with, um, those
16 decisions. I can't tell you. There's no expert
17 witness, the Judge, uh, nobody can tell you, but
18 the jury, collectively, will decide whether to
19 believe Brendan or not.

20 Now, the police officers will provide
21 you with some help to corroborate, to explain the
22 confession, the evidence in this case. Uh,
23 you'll have to ask yourself whether the police
24 already know. Even though Mr. Wiegert keeps
25 saying, it's all right, Brendan, we already know,

1 you're going to find out they didn't already
2 know, uh, what -- and were very, very surprised
3 of, uh, what Brendan, uh, was telling them detail
4 after detail after detail.

5 What did they suspect? Um, and what
6 could the police verify? What later could they
7 find, by physical evidence, to support or to
8 corroborate what it was that Brendan was saying?

9 Later that same day, on March 1, you're
10 going to hear that the officers -- they got a
11 search warrant. They said, well, if Brendan says
12 that Teresa was shot in the garage, we better go
13 take a look in that garage. We better take a
14 better look than we took last time.

15 The evidence that will be presented to
16 you that will verify Brendan Dassey's statements,
17 the State believes, will be compelling, the State
18 will -- believes will corroborate or verify what
19 Brendan says. Again, we're not going to ask you
20 take Brendan's word for it, all of these things,
21 but all of these questions that I'm going to ask
22 you now, and this is the last portion of my
23 opening statement, uh, is meant to, um, explain
24 to you the physical evidence that answers all of
25 these questions.

1 When Brendan says that Teresa was in the
2 trailer on 31st, do we believe that or not?

3 Well, you're going to see evidence that, uh, an
4 *AutoTrader Magazine* and the bill of sale, the
5 completion of the transaction, the completion of
6 the photography, and her business with Steven are
7 found in the trailer. Found inside the trailer
8 verifying what Brendan said.

9 Was Teresa restrained that day as
10 Brendan says? You're going to hear that both
11 handcuffs and leg irons were found in Steven
12 Avery's bedroom during the search of his bedroom.

13 The most important question, perhaps, is
14 was she shot in the garage? And that's where the
15 March 1 search warrant becomes so critically
16 important. You're going to see the snow, and the
17 snow is kind of your cue that this is in March,
18 rather than, uh, the November, uh, before.

19 Uh, this is Steven Avery's garage where
20 they do a much more thorough search, uh, of, uh
21 -- of the garage.

22 There are two -- These are called
23 evidence tents, by the way, and No. 9 and No. 23,
24 which is back here, which I'll show you in just a
25 minute, are the important ones. Officers do, in

1 fact, find two bullets. Remember? He said that
2 she was shot in the garage.

3 The police, on March 1, as a result of
4 Steve -- of, uh, Brendan Dassey's statements,
5 after getting the search warrant, find two
6 bullets in the garage. One where Tent No. 9 was
7 shown, it's closer to the front of the garage,
8 and one behind a compressor, where Tent No. 23,
9 uh, is located. This is a better view for you of
10 where, uh, those two bullets are found in the
11 garage, but the most important finding is No. 23.
12 Bullet No. 23 isn't just a bullet they find, but
13 Sherry Culhane finds Teresa Halbach's DNA on that
14 bullet.

15 This evidence, this bullet, is proof
16 positive, 100 percent, something the police
17 didn't know, that Teresa was, in fact, shot in
18 the garage, just like Brendan Dassey told the
19 police.

20 Was she shot ten times? You're going to
21 hear, on the 6th when they reviewed and they
22 examined and collected evidence, there were 11
23 separate .22 caliber shell casings that were
24 recovered. Very consistent. Was she shot with
25 this very .22 caliber rifle? Again, of all the

1 rifles in the world, Brendan said it was Uncle
2 Steve's that was hanging on the wall that was
3 used to shoot Teresa.

4 You're going to hear evidence from a man
5 by the name of Bill Newhouse from the Crime Lab.
6 Mr. Newhouse will take that .22 caliber rifle,
7 you will hear, do some test firings, and will
8 match the .22 caliber bullet that was recovered
9 in this case, as well as all of the shell casings
10 that were recovered, and will tell you that this
11 bullet and these shell casings came from this gun
12 to the exclusion of all other guns on earth.
13 This gun. Not just consistent with. They come
14 from this gun.

15 Was Teresa shot in her head as Brendan
16 will tell you? You'll hear from our
17 anthropologist, Dr. Leslie Eisenberg, who, uh, is
18 the bone expert, who will find a piece of bone
19 that she will describe as a piece of Teresa
20 Halbach's cranium, that is, a skull bone piece,
21 and you'll hear and you'll see that beveling,
22 that curve mark there, is actually an entrance
23 wound.

24 They even take, uh, x-rays of that
25 particular cranial piece, and Ken Olson from the

1 Crime Lab will tell you that -- and perhaps you
2 can see those little white dots, uh, that are
3 right next to, uh, the entrance wound -- those
4 little white dots, when they're x-rayed, are
5 lead. That's lead from a bullet. All right?

6 So these are bullet entrance wounds to
7 Teresa's head, just like Brendan Dassey told you
8 happened in the garage.

9 Both Dr. Eisenberg and our pathologist,
10 Dr. Jentzen, will render the opinion that there
11 are at least two gunshot wounds to the head found
12 from these cranial remains. One on the left side
13 of the head, just like Brendan says, and one to
14 the back of the head of Teresa Halbach.

15 Do we believe that, um, Teresa's body
16 was loaded in the rear of the SUV, as Brendan
17 says? Well, you'll see and you'll hear from a
18 blood spatter expert who will talk about the, uh,
19 large stains, the blood stains, that are left
20 from Teresa Halbach. That's her blood, by the
21 way, and we'll show you some close-ups,
22 unfortunately, uh, of that particular area of the
23 cargo area of Teresa's car where, just like
24 Brendan tells you, she's loaded in the back of
25 the cargo area of the SUV.

1 Was her body burnt and mutilated like
2 Brendan tells you? Lots and lots and lots of
3 evidence about this.

4 First of all, the, um, burn area in the
5 burn pit, itself -- You'll also, by the way, hear
6 from some witnesses. Um, Brendan's now
7 stepfather, Scott Tadych, will actually be called
8 to testify. I'm sure he won't want to, uh, but
9 he will say on the 31st, that night, uh, between
10 7:30 and 7:45 in the evening, he saw Brendan and
11 Steven tending that fire, and we'll talk about
12 the flames being so high behind that garage.

13 He not only sees the fire, he sees
14 Brendan and Steven Avery. So an eyewitness will
15 put Brendan there, just like he said he was, back
16 tending that fire.

17 You'll hear about the bones being
18 recovered and being charred, and we've already
19 talked about this particular, uh, bone, but
20 Dr. Eisenberg will also identify every bone that
21 is found. Uh, these, uh, anthropologists are
22 able to look at a little fragment of bone and
23 tell you that it comes from this part of the leg,
24 or that part of the arm, or that part of the
25 spine. And she'll testify, and she'll tell you

1 that every bone of Teresa Halbach is represented
2 in that burn pit in the back.

3 You'll even hear from a dentist, the
4 forensic dentist, Dr. Donald Simley, uh, who
5 found a particular tooth, Tooth No. 31, on Teresa
6 Halbach. On the left is Teresa's x-ray, when she
7 was alive, of that particular tooth, and on the
8 right is what's found in the burn pit. In the
9 burn area. You'll be able to match them up for
10 yourself, that Teresa's Tooth No. 31, um, one of
11 the back teeth on the left side of her jaw, was
12 recovered from the burn area.

13 Brendan says that a car seat was thrown
14 in the fire. Do we have evidence of that? Can
15 we prove that? Can we corroborate that evidence?
16 Absolutely. We will show you, and, in fact,
17 we'll bring into this courtroom, the remains of
18 that burned car seat. Two-man job, ladies and
19 gentlemen. Two people required to throw that car
20 seat, to carry that particular metal grave car
21 seat.

22 Brendan says the SUV was driven to the
23 pit area. Uh, you'll find not only where the,
24 uh, SUV was found, where the, um, crushed -- or
25 car crusher is, you'll also see some diagrams

1 that Brendan actually places where Uncle Steve
2 and I dropped off and hid that vehicle to conceal
3 this crime.

4 Brendan said it was concealed with
5 branches and a car hood. Did that happen?
6 Absolutely. Branches and a car hood, exactly as
7 Brendan described, will be found concealing that
8 car.

9 Members of the jury, two-man job. We'll
10 probably bring in that large piece of heavy car
11 hood to show you, um, that Brendan and Uncle
12 Steve leaned that and concealed that car.

13 Were Teresa's license plates removed as,
14 uh, Brendan said? Absolutely. We find the
15 license plates in a junked vehicle.

16 Was Teresa's car hood opened up by Uncle
17 Steve as Brendan says? Well, on April 3, again,
18 as a result of Brendan's statements, law
19 enforcement swabs -- they take a Q-tip and -- and
20 they swab the hood latch, reaching up underneath
21 the hood, just to see if we can get a -- a DNA
22 profile. Sherry Culhane does. She gets a full
23 profile that's Steven Avery's sweat. Steven
24 Avery's sweat is found on the hood latch, just
25 like should happen if Brendan is to be believed that

1 Uncle Steve went under the hood.

2 Again, facts not known by law
3 enforcement at the time Brendan made these
4 statements.

5 Brendan says that the garage floor was
6 cleaned with paint thinner. You're going to hear
7 from a man by the name of John Ertl, from the
8 Crime Lab, who will talk about a three- or
9 four-foot circle, just to the left and behind the
10 riding tractor, uh, which is a big bleach stain.
11 Uh, Mr. Ertl will talk about that bleach stain.
12 You'll see that bleach and paint thinner are
13 recovered. Uh, but perhaps most importantly,
14 Brendan, himself, hands over to Investigator
15 Fassbender his jeans. He says, these were the
16 pants I was wearing that night, and these pants
17 are splashed with bleach from cleaning Uncle
18 Steve's garage.

19 Brendan said that, uh, Teresa's
20 Halbach's, uh, key was put into the bedroom. You
21 already know that the key was found in Uncle
22 Steve's bedroom.

23 Interestingly, Brendan says that the
24 clothes of Teresa Halbach, after they cleaned up,
25 were burned. They were thrown onto the burn

1 pile. Little bit harder to prove that her
2 clothes are actually burned. But we did it.
3 You're going to hear from a young lady today, uh,
4 by the name of, uh, Katie Halbach. Katie's
5 actually sitting in the front row. Teresa's
6 sister.

7 She knows about Teresa's clothes, and
8 Teresa owned a pair of what's called Daisy
9 Fuentes jeans. They're jeans, you're going to
10 hear, that are sold at a Kohl's Department Store.
11 She kidded her sister. Katie kidded Teresa, as
12 sisters sometimes do, about having those kind of
13 jeans. Um, but you're going to hear that after
14 Teresa's death, those jeans were missing. Those
15 jeans were gone. Teresa was wearing those jeans
16 on the 31st of October.

17 Jeans have little rivets on them, and
18 those of you that are wearing jeans can kind of,
19 uh, take a look at this a little bit later, but
20 Daisy Fuentes has six different rivets that
21 actually say the words "Daisy Fuentes" on them.

22 You're going to hear that the five of
23 those six rivets were recovered from the burn
24 area right behind Steven's, um, garage. Also a
25 zipper was found and some other clothing items

1 were found. So as Brendan Dassey, that nobody
2 else knew about the burning of the clothes,
3 Brendan Dassey, when he says that we burned her
4 clothes, were able to verify that.

5 Was Avery's finger cut and actively
6 bleeding? Of course, it was. We have a photo of
7 it and we have Avery's blood, which Mr. Stahlke,
8 the, uh, blood spatter expert, will tell you how
9 all of those are left.

10 Brendan says that Teresa's cell phone
11 and camera were burned in Avery's burn barrel.
12 Burn barrel was outside the car. You're going to
13 hear and read a report from a gentleman by the
14 name of Curtis Thomas. Mr. Thomas works at the
15 FBI in Virginia. Mr. Thomas got to see all these
16 electronics which were recovered from Mr. Avery's
17 burn barrel. And guess what was in there?

18 Teresa Halbach's Motorola V3 RAZR cell phone,
19 Teresa Halbach's PowerShot A310 digital camera
20 are found, just like Brendan said they would be.

21 Lastly, did Avery's girlfriend call
22 twice on October 31? Phone records will indicate
23 that a woman by the name of Jodi Stachowski, the
24 girlfriend of Steven Avery, called twice on the
25 31st, just like Brendan said.

1 The evidence in this case, members of
2 the jury, isn't just going be based on the
3 statements of a young man, aren't just going to
4 be the fanciful, um, expressions or, um,
5 imagination of somebody. We're going to be able
6 to prove to you in this case that things the
7 public didn't know, things the police didn't
8 know, were provided by a young man who was at the
9 scene. Was he there? Absolutely. Did he help?
10 Absolutely.

11 And so the jury's role, then, will be to
12 decide these facts. Your role as a jury will be
13 to decide whether Brendan's admissions of
14 involvement in this case, knowing things that
15 nobody else knows, that only the murderer and the
16 murderer's accomplice could know in this case,
17 and you are to search for the truth.

18 The evidence, members of the jury, at
19 the conclusion of this case is not going to show
20 that Brendan Dassey was at the wrong place at the
21 wrong time. The evidence is going to show that
22 Brendan Dassey was at the right place at the
23 right time.

24 Teresa Halbach got lucky. She got lucky
25 that there was a young man who showed up. She

1 got lucky that there was one person that could
2 save her life. But the choices that Brendan
3 Dassey made, the choices that he made with his
4 uncle, insured that instead of leaving, instead
5 of just saying, no, instead of talking Uncle
6 Steve out of it, which were all choices that he
7 had, instead of calling 911, instead of calling
8 his mother or a family member, or instead of
9 actively rescuing this girl, Brendan Dassey chose
10 to rape this young girl, to involve himself in
11 her murder, and to help dispose of and mutilate
12 this 25-year-old body.

13 Choices require consequences and
14 accountability, and at the conclusion of this
15 case we're asking that you find the defendant
16 guilty. Thank you, Judge.

17 THE COURT: All right.

18 ATTORNEY FREMGEN: Thank you. I don't,
19 uh, have any audio visuals, so I'll apologize
20 ahead of time. You have to listen to me instead.

21 On October 31 of 2005, Brendan Dassey
22 came home about 3:45 from school, from high
23 school, with his brother, Blaine. Not unusual
24 for Brendan to come home with Blaine. Everyday
25 they came home the same way. Dropped off at the

1 end of the street. The access road, the Avery
2 Road accesses to his house, and began to walk
3 down the road. It takes about five minutes to
4 get to the house from the -- from the mailboxes.
5 And as they're walking, they start to talk about
6 who gets to use the phone first to call a friend
7 to go trick or treating. They race home, and
8 Blaine wins the race, so he gets the phone first.

9 Blaine calls his friend, Jason. They
10 set up a time to meet to go trick or treating,
11 and Brendan plays some video games. He watches a
12 little bit of TV, and about 5:00 his mom comes
13 home and makes supper for Blaine and -- and
14 Brendan.

15 About 20 after 5, maybe 5:30, Blaine
16 leaves to meet Jason, his friend, to go trick or
17 treating, and Barb Tadych, now Tadych, was Janda,
18 meets her boyfriend, fiancé at the time, at about
19 5:30 to go up to Green Bay to visit with his
20 mother who's in the hospital.

21 She leaves, and Brendan is still at home
22 watching TV, playing some video games, and at
23 about 5:45 Blaine's boss, his name is Mike
24 Kornely, Brendan used to work for Mike as well,
25 calls to talk to Blaine. Talks for about five

1 minutes and Brendan takes a message for Blaine
2 that -- that Mike called.

3 Shortly after that time, Steven Avery
4 calls. Steven Avery, obviously, as you know, is
5 Brendan's uncle. Lives about a couple hundred
6 yards from -- couple hundred feet from the house.
7 Calls and asks if he wants to come over to watch
8 a bonfire that -- that Steve has set. Brendan
9 says, yes.

10 About 15 minutes later, Steve calls
11 again, asks Brendan, what's taking you so long?
12 Brendan's kind of putzy, he's going to -- he's
13 changing his pants, putting on a sweatshirt, it's
14 a little bit chilly for an October night, and he
15 goes over to the bonfire.

16 And when he gets there, it's a little
17 bit dark now, about seven-ish. He drives around
18 with his Uncle Steven. Steven has his mother's
19 golf cart, and they're traveling around the yard
20 picking up debris. Wood, an old cabinet, some
21 tires, and a van seat. And as they collect the
22 items, they begin to pile them up next to -- or
23 just to the side of this little area behind
24 Steven's garage where he's got the bonfire going.

25 They throw some items onto the bonfire,

1 put some other items off to the side, and they do
2 that for about four or five trips around the
3 yard, collecting debris, collecting garbage, and
4 they begin to toss the garbage onto the fire
5 throughout the night.

6 After they're done cleaning up the yard,
7 Steven asks Brendan if he wants to help clean up
8 a mess in his garage. Brendan says, yes.

9 They go into the garage, and there's a
10 small area behind the lawnmower as if something
11 had spilled. Steven takes some gasoline and
12 pours it onto this little area, and they use some
13 clothing, old rags, that sop up the mess, and as
14 they begin to clean it up with these old clothes
15 and old rags, they throw them onto the fire, and
16 they do that for about a half hour. Steven tries
17 some gasoline and paint -- paint thinner to help
18 clean up the area, and some bleach as well.

19 After about a half hour, they go back
20 out by the bonfire and Steven gets a call on his
21 cell phone. It's from Brendan's mom, Barb. She
22 calls over to -- to see if Brendan is over by
23 Steven by the bonfire. He says he is. Reminds
24 Steven to tell Brendan that he needs to be home
25 before ten and asks that he has a sweatshirt or a

1 coat on because, again, it's kind of a chilly
2 night.

3 Brendan never talks to his mom, but he
4 knows he now has to be home by ten. They watch
5 the fire for awhile and then tossed the van seat
6 onto the back of the fire. About 9:30, quarter
7 to 10, Brendan goes home. Gets home, watches
8 some TV, and goes to bed.

9 Now -- Now, what I've just done is
10 explain to you what we believe the evidence will
11 show that happened on October 31. As Mr. Kratz
12 has pointed out, that's called the opening
13 statement. I think it's more like a story. It's
14 like reading a novel. A trial is kind of a
15 novel. Novels have characters, and you'll see
16 witnesses. Novels have a plot or some sort of a
17 theme. Each side, the prosecutor and the
18 defense, we each have a theme we want to present
19 to you. And then there's always a conclusion.

20 Now, difference between a trial and a
21 novel is that the conclusion hasn't been written.
22 That's your job. At the end of this case, after
23 each attorney has had an opportunity to present
24 witnesses and evidence for you, had an
25 opportunity to give what's called a closing

1 argument, after the Judge instructs you on the
2 law, it's up to you, and you alone, to finish the
3 story, to decide what actually happened.

4 Now, not unlike a story or a novel,
5 there can be turns and twists. Mr. Kratz pointed
6 out in their theme there are turns and twists,
7 and we'll do the same. There may be similarities
8 between novels and trials, but there are some
9 differences as well.

10 For instance, when I read a story,
11 sometimes I get a little anxious and I want to
12 find out, what -- what happened. Who did it. So
13 I tight -- tend to want to skip some of the
14 pages, pass up on a chapter, maybe even take a
15 peek at the very end. But you can't do that.
16 Part of that, and the obvious reason, is that the
17 Court controls the tempo and flow of information
18 here. We can't just start now and we'll skip to
19 the end to the closing arguments. You need to
20 hear the evidence.

21 And when we talk in jury selection about
22 burden of proof and presumption of innocence, one
23 of the questions I had for you, and I believe
24 most of you raised your hands or at least nodded
25 affirmatively, that you want to hear from both

1 sides, and you can't do that if you skip to the
2 end. You can't do that if you hear just one
3 side.

4 As Mr. Kratz pointed out, they get to go
5 first. They'll present you with number of
6 witnesses, days and days of -- of evidence,
7 exhibits, photographs, testimony. And when
8 they're done, we get an opportunity to provide
9 you with the same.

10 But if you don't presume Brendan
11 innocent, even after they're done with their part
12 of the case, after they rest and allow us an
13 opportunity to present witnesses for you, then
14 you've already skipped to the end of the book.
15 You've passed a number of chapters and -- and
16 you've denied the presumption of innocence.

17 And what I was, uh, most impressed by on
18 jury selection is I believe every person here
19 agreed, raised their hand that, yes, we need to
20 presume Brendan innocent at all times until it's
21 time for you to -- to deliberate, your final time
22 to go from here into the backroom to make your
23 decision.

24 It is important to remember who is on
25 trial. This is not the Steven Avery trial. And

1 it seems so simple to say that, but it's very
2 difficult to do.

3 In February, late or early March, when
4 the Steven Avery trial was -- was, uh, going on,
5 I would often go to court, different county, and
6 attorneys, and even a judge, would ask me,
7 shouldn't you be over in Calumet? Isn't that
8 where the Avery trial's going on? Yep, that's
9 true.

10 My in-laws, my, uh -- my neighbor, even
11 my pastor said the same thing to me, and I'd have
12 to politely tell them that each time, well,
13 that's a different trial. I represent Brendan
14 Dassey, the nephew, and it's a different case
15 entirely.

16 And I believe that's what the State
17 wants to present to you as well. They need to
18 present evidence about the Steven Avery
19 involvement, but I think they want to focus on
20 Brendan as well, and to that I agree. This is
21 not Steven Avery.

22 You'll hear days and days of evidence
23 about Steven Avery, his DNA, his blood found in
24 the SUV, about the bone fragments behind his
25 house in a burn pit, about the bullet fragment

1 found in his garage. You'll hear about the
2 ignition key found in his bedroom.

3 But I don't believe you'll hear evidence
4 about Brendan Dassey's DNA. You won't hear the
5 same evidence involving Brendan Dassey. There
6 won't be any DNA, no blood, no saliva, no sweat,
7 no hair, nothing. No fingerprints. No science
8 that's going to point you to Brendan Dassey. Not
9 the science that points to Steven Avery.

10 But, again, this is Brendan Dassey's
11 trial, not Steven's trial. It's about a
12 16-year-old boy at the time. It's about a
13 16-year-old high school student with below
14 average cognitive abilities. A fourth-grade
15 reading level, a low IQ. It's about a shy
16 introvert, socially inept, suggestible child.
17 That's what this trial is about.

18 You'll learn that this shy, socially
19 inept, suggestible individual will meet two
20 highly trained, intelligent, adult police
21 officers. DCI Agent Tom Fassbender and
22 Investigator Mark Wiegert. They're trained as
23 adult law enforcement officers, trained to obtain
24 confessions, and trained on Brendan Dassey.
25 Alone with these two officers, Brendan makes

1 several statements, as Mr. Kratz has already
2 alluded to in his PowerPoint presentation, in his
3 opening statement.

4 It starts off in a progression where
5 Brendan says Steven Avery killed Teresa Halbach,
6 and it progresses to the point where he indicates
7 he participated. And the State will argue to you
8 later, and offer evidence throughout the trial,
9 through the officers, that they believe that this
10 progression of audio taped statements from -- at
11 the school, the videotaped statements at the, uh,
12 police station, and then the final May 13
13 videotaped statement as a progression to the
14 final truth.

15 What we want you to consider, three
16 things, while you're watching these videotapes,
17 and we agree, very powerful videotapes, very
18 important videotapes, but like in a story, two
19 different stories, there's a different
20 perspective, a different theme. We want you to
21 look at three things. Corroboration. Similar to
22 what the State offered. They want you to look at
23 what it corroborated.

24 We want you to also focus on what is not
25 corroborated. There are dozens of details that

1 go uncorroborated in these statements.

2 Corroboration simply means that there's something
3 independent that can prove the statements are
4 true. Some other independent source that
5 suggests that what you heard is accurate. But
6 there are dozens of instances where their details
7 are uncorroborated.

8 The second to consider is the
9 inconsistencies. There are a number of
10 inconsistencies throughout this progression of
11 statements. When you watch these statements,
12 take note of the different changes from one
13 statement to the next. Simple. Details that
14 seem to be mundane, unnecessary change from
15 statement to statement.

16 And though the State will try to pro --
17 to suggest that it's an escalating progression
18 from the first time they met with Brendan Dassey
19 to the last time he talked to them, it's really a
20 rollercoaster ride of the truth. Up and down.
21 One statement says one thing, the next says the
22 other, and it just goes that way throughout this
23 progression.

24 Some of the changes are not logical.
25 Oftentimes, detached from the purpose of the

1 investigation. Sometimes it's the product of the
2 interviewer. Watch for that as well when you're
3 watching these videos. Oftentimes, you'll hear
4 the investigators asking Brendan to simply change
5 what he said. They ask him to change what he
6 said to meet their theme, to meet the story that
7 they want to present.

8 And last, we want to ask you to watch
9 the video for, lack of a better term, the appeals
10 to emotions the officers make throughout the
11 different statements to Brendan. This
12 16-year-old low-educated -- or excuse me -- low
13 intellectual ability, low cognitive ability, shy
14 introvert, they're asking him, and they're --
15 they're appealing to emotion.

16 Watch how he answers the questions.
17 Watch how the questions are asked. At times it
18 differs. Times they cozy up to Brendan to get
19 the answer they want. At times they pull back
20 from Brendan when he's not giving them the answer
21 they -- they -- they -- they want and they
22 expect. It's like the new puppy dog. When he
23 does what he's supposed to do he gets a pat on
24 the head and a treat. Good job, Brendan. Good
25 job. Good boy. But when it's not what they

1 want, we're leaving Brendan, until you tell us
2 what we want to hear.

3 I believe these statements are very
4 powerful, and I agree with the State that you
5 need to take considerable effort to watch them.
6 Take notes. I encourage you, take notes. We've
7 seen these videos a number of times. You may
8 only get to see this one time. And I would
9 encourage you to take notes throughout. But not
10 just to what is said, take notes on how it's
11 said. How the questions are asked. How it goes
12 from, I didn't say that, or I don't know, to the
13 answer the police got that they wanted.

14 The facial expressions, the distance
15 between the interviewer, or the interrogator, and
16 Brendan, the interaction, physically, between the
17 two. I believe that the -- when you watch the
18 videos carefully, they'll be exposed for what
19 they are, and I think they're just garbage. And
20 just like that, you can discard it.

21 You're -- be instructed by the Judge
22 later that you decide what and how much you want
23 to believe. It's entirely up to you.

24 Now, I think these three focal points of
25 the statements are important to note because the

1 State won't explain to you why there are
2 uncorroborated details, why there are so many
3 inconsistencies, but we will. We'll provide
4 testimony that shows, from his school, describes
5 him as having low cognitive functioning, memory
6 problems, um, fourth-grade reading level. Fails
7 to make eye contact with peers and adults, and
8 avoids participation.

9 A forensic psychologist will also
10 testify, and testify as to tests that he
11 performed on Brendan that indicate that he's a
12 socially inept child, substantially impaired
13 cognitively. He has passive tendencies and
14 vulnerable to suggestion. Coupled with this
15 testimony and the videos, I believe we'll show
16 you how easily Brendan is manipulated and was
17 manipulated. Manipulated by the more
18 intelligent, readily trained, authoritative
19 figures, the two police officers, who presses me
20 when he says good things, things they want to
21 hear, and pull away and sternly isolate him when
22 he says things that they don't want to hear.

23 Despite these statements, the lack of
24 scientific evidence to connect Brendan to Teresa
25 Halbach's murder, the volume of uncorroborated

1 details, the rollercoaster of changes in his
2 statements from one to another, the psychological
3 results in his psychological makeup, his
4 suggestible nature, will all be enough, we
5 believe, for you to find reasonable doubt.

6 And that's what this is about. As the
7 Judge instructed you, you have to decide this
8 case based on what is reasonable doubt. And the
9 Judge will give you another instruction at the
10 end as well, not just before, but also before you
11 retire to make your final decision.

12 If, at the end, you walk into the jury
13 room and you considered all the evidence from all
14 the parties, give them whatever weight the
15 credibility of each witness, whatever weight you
16 wish to give, and you're able to say, well, the
17 State's case does make sense as well as the
18 defense, their case does make sense, you would
19 then have a reasonable doubt, and that's all
20 we're asking you to consider, and you must stop.

21 It's not a contest. This isn't a
22 competition. It's not a basketball game where
23 somebody has to show up and win at the end. You
24 don't have to reconcile the State's case with the
25 defense case. In fact, you shouldn't. That's

1 not your role. Your role isn't to decide in --
2 in that situation who wins. You don't have to
3 reconcile doubt.

4 As the State attempts to prove beyond a
5 reasonable doubt the allegations against Brendan,
6 consider the number of times that we feel Brendan
7 was manipulated during his interrogation, and
8 we'll discuss that with the witnesses, and we'll
9 make further our observations at the end.

10 Consider all of the inconsistencies of
11 the various statements as they go from one to the
12 other. Consider the lies the police told Brendan
13 during his statements.

14 We believe, after careful consideration
15 of all this, in the end, there would be only one
16 conclusion you could write for this chapter in
17 this story, and that would be not guilty. Thank
18 you, very much.

19 THE COURT: Mr. Kratz?

20 ATTORNEY KRATZ: If we could approach
21 just briefly, Judge?

22 (Discussion off the record.)

23 THE COURT: All right, uh -- All right.
24 We're going to adjourn and take a lunch break.
25 We'll be back here at one o'clock. I'll remind the

1 jury, there's no discussion of this case at this
2 time amongst -- amongst you. Uh, all right. One
3 o'clock.

4 (Jurors out at 11:40 a.m.)

5 THE COURT: All right. One o'clock.

6 ATTORNEY FREMGEN: Will this courtroom
7 be locked during the lunch break?

8 THE COURT: Sure. I believe it is.
9 Yeah. Okay. It will be.

10 (Recess had at 11:40 a.m.)

11 (Reconvened at 1:00 p.m.; jurors not
12 present.)

13 THE COURT: Counsel, I'm informed that, uh,
14 one or both of you have something to put on the
15 record at this point?

16 ATTORNEY FALLON: Uh, yes. Good
17 afternoon, Your Honor. The, uh, State would like
18 to take up one evidentiary matter as it may
19 pertain to anticipated cross-examination on a
20 rule of evidence before the jury arrives. I'm
21 not sure if opposing counsel has anything they
22 wish to discuss.

23 THE COURT: Hearing none?

24 ATTORNEY FALLON: Hearing none, um, uh,
25 we noticed during the, um, opening statement, uh,

1 of the defense that there was reference to the,
2 uh, May 13, uh, interview of, uh, the defendant,
3 Mr. Dassey. Uh, we wanted to, uh, take time to
4 point out that, um, first of all, the State was
5 contemplating, if at all, use of that information
6 as part of its rebuttal case and, in all
7 likelihood, would not be introducing that
8 evidence in its case in chief.

9 Uh, as such, um, the law is quite clear
10 that those statements of the defendant can only
11 be offered by the prosecution because then they
12 would be offered by a party opponent, and, uh,
13 uh, as further evidence in support of that
14 proposition, I would cite **State v. Pepin**,
15 110 Wis. 2d 431, and **State v. Johnson**,
16 181 Wis. 2d 470, for the proposition that the
17 defense would not be entitled to elicit that
18 information on cross-examination of an officer
19 unless and until the State introduces that
20 evidence first.

21 So we just wanted to make sure that
22 we're clear on the rules of evidence, because if
23 it were to be elicited by the defense, then it
24 would not be a statement of a party opponent, it
25 would be elicited by the same party.

1 THE COURT: Mr. Fremgen or Mr. Edelstein,
2 any response?

3 ATTORNEY EDELSTEIN: Your Honor, at this
4 time, uh, having heard the argument of Counsel, I
5 would ask the Court reserve any ruling on that
6 matter and allow us an opportunity to review the
7 authority cited by Counsel. Um, we did discuss
8 it very briefly before court convened, uh, after
9 noon here.

10 We have not had the chance to review
11 that matter and, of course, the basis of, uh,
12 some of the State's evidence, which they clearly
13 indicated they intend to introduce, including, in
14 their case in chief, not the least of which is
15 the May 13 telephone call so intricately tied to
16 that statement of May 13, um, I think this needs
17 further examination before we can appropriately
18 respond to the State's, uh, anticipatory
19 objection.

20 ATTORNEY FALLON: Well, uh, just two
21 minor points. Uh, we never mentioned anything
22 about any May 13 statement in the opening
23 remarks, and, uh, number two, just so the record
24 is clear, um, the objection right now, the
25 appropriate objection, to attempt at cross on

1 that would be a hearsay objection. So if the
2 Court chooses to defer ruling until later, that's
3 fine, but we do have an officer taking the stand
4 later this afternoon so...

5 THE COURT: Yeah. I -- I -- I will defer
6 ruling, but it's my understanding, Mr. Edelstein,
7 that the proposed -- or I shouldn't say the
8 proposed -- the statements of -- of the -- from the
9 May 13 interview would be admissions by a party
10 opponents under 9-0-8-0-1 (4)(b1), and, uh, it seems
11 to me, uh, you are precluded at this stage, at
12 least, from asking about them. Uh, again, we'll --
13 we'll flush this out a little later on but, uh, uh,
14 if that's what you're asking --

15 ATTORNEY EDELSTEIN: Your Honor, it
16 may -- it -- it -- I think it's going to depend
17 upon precisely what the officer testifies to. If
18 he goes anywhere near any statements that he
19 participated in, be they con -- characterized as
20 statements or confessions that involved our
21 client, I think irregardless of the date, there
22 are certain areas that we have, particularly on
23 cross, um, leeway to get into.

24 I don't know if that's the purpose of
25 any of his testimony here this afternoon, but if

1 he does go there, I would, uh, ask that -- that
2 we be notified in advance, or at least certainly
3 be given an opportunity prior to any cross, to
4 have this matter addressed by the Court,
5 including an opportunity to review the case as
6 cited by the State.

7 THE COURT: All right. Let's proceed.
8 Mr. Kratz? We'll get the jury in here and we'll
9 get your witness.

10 (Jurors in at 1:07 p.m.)

11 ATTORNEY KRATZ: State would call, uh,
12 Karen Halbach.

13 **KAREN HALBACH,**
14 called as a witness herein, having been first duly
15 sworn, was examined and testified as follows:

16 THE CLERK: Please be seated. Please state
17 your name and spell your last name for the record.

18 THE WITNESS: Karen Halbach, H-a-l-b-a-c-h.

19 **DIRECT EXAMINATION**

20 BY ATTORNEY KRATZ:

21 Q Good afternoon, Mrs. Halbach. Could you tell
22 the -- the jury, please, uh, whether or not you
23 knew a young lady by the name of Teresa Halbach?

24 A Yes, I did.

25 Q You have to pull the microphone down nice and

1 close for us, please. Who was Teresa?

2 A She was my daughter. The second oldest in my family
3 of five children. Um, she's a very caring and very
4 loving young woman. She was very dedicated to her
5 family and friends. She was a hard worker. Um, she
6 had a great sense of humor. Uh, she was also the
7 life of the party.

8 Um, she, um -- She had an ability --
9 ability to make people smile, and I think that's
10 why she enjoyed photography, because kids really
11 responded to her.

12 Q All right. You told me that, uh, there were
13 other, uh -- other children, um, in your family
14 as well. Could you identify them?

15 A Tim is the oldest, and then there's Teresa, and then
16 Mike, and then I have two younger girls, Katie and
17 Kelly.

18 Q Could you tell the jury, please, where Teresa
19 lived?

20 A She lived next door to -- to us. About a quarter
21 mile west of us. My husband and I own the farmhouse
22 and she lived there about a year before she died.

23 Q Going to hand you what's been marked for
24 identification as Exhibit No., um -- No. 1.
25 Could you tell the jury what that is, please?

1 A It's a picture of Teresa.

2 Q We'll be showing the jury, uh, photographs as
3 well. When you say that Teresa lived next door
4 to you, can you describe that a little further,
5 please?

6 A Well, she lived a quarter mile west from us in a
7 farmhouse that we own. She -- her -- her rent was
8 going to go up. She wanted to live someplace cheaper
9 so I said, why don't you move closer to home, so we'd
10 really give you a deal on rent. So she took us up on
11 it and, you know, we enjoyed having her there.

12 Q All right. I know you mentioned briefly about
13 Teresa's background, but did she have, um, um,
14 post high school education?

15 A She went four years to UW-GB. She graduated in '02
16 Suma Cum Laude.

17 Q And GB, that's Green Bay?

18 A Right.

19 Q After that, I think you've already mentioned
20 briefly, of the kind of work that Teresa went
21 into, but can you describe that a little more
22 fully? What, uh -- what type of employment did
23 she have?

24 A In her final semester at GB, she, uh, started an
25 internship with Tom Pearce Photography in Green Bay,

1 and then after she graduated, she continued working
2 with him, and then she realized she wanted to own her
3 own business, so she decided -- she started
4 Photography by Teresa, and, uh, she also worked
5 part-time for *AutoTrader Magazine*.

6 Q All right. This, uh, photography studio, did she
7 have any areas of, uh, expertise within that
8 studio?

9 A Um --

10 Q Any kind of, uh, portraits that she enjoyed more
11 than others taking pictures of?

12 A Well, she especially liked taking picture of kids.
13 She was good with kids. But she also did weddings,
14 graduation photos. Um, if you had an event that you
15 wanted pictures taken, she would gladly do it for
16 you.

17 Q Mr. Wiegert's going to hand you what's now been
18 marked as Exhibit No. 2, if I'm able to do this.
19 Tell us what that is, please?

20 A It's, um, a picture of Teresa.

21 Q All right. Now, Teresa's photography business,
22 you said, also included working, uh, at least
23 part-time for *AutoTrader Magazine*. Um, what were
24 you aware of her duties with that magazine?

25 A It -- Just know people would call *AutoTrader* to have

1 pictures of their vehicles taken. And a photographer
2 would have a certain area. And then Teresa would
3 go -- When somebody in her area would want a picture
4 taken, she would set up a -- an appointment with them
5 and then go take the picture of the vehicle for them.

6 Q Would Teresa ever discuss or describe with you,
7 uh, where some of her clients were that she took
8 pictures of?

9 A Once in a while she would, yeah. If she was over and
10 talking about -- talking with us.

11 Q All right. Had you ever heard -- At least before
12 the 31st of October of '05, had you ever heard
13 the name Steven Avery?

14 A Yes, I did.

15 Q And Teresa, uh, did she ever mention being at
16 Mr. Avery's property before?

17 A Two times she had told me she had taken pictures at
18 the Avery Salvage Yard.

19 Q All right. Mrs. Halbach, were you familiar with
20 the kind of vehicle that, uh, Teresa drove?

21 A Yes, I was.

22 Q Could you describe that for the jury, please?

23 A It's a Toyota RAV 4.

24 Q I'm showing you what's been marked as Exhibit No.
25 3. Can you tell us what that is, please?

1 A It's a picture of Teresa in front of her vehicle.

2 Q Before, um, moving into the investigation, um,

3 itself, you, I think, had mentioned that Teresa

4 had some younger sisters. Uh, could you tell me

5 their names, please?

6 A Katie and Kelly.

7 Q I'm sorry?

8 A Katie and Kelly.

9 Q How much younger were Katie and Kelly than she?

10 A Um, I think there's 11 years difference between Katie

11 and Teresa, and then Kelly's two years younger than

12 Katie.

13 Q And could you describe the kind of relationship

14 that Teresa had with her younger sisters?

15 A Um, they were very close. Teresa always wanted a

16 sister. And they spent a lot of time together

17 shopping or watching movies or...

18 Q All right. Did Teresa spend, uh, time with her

19 sisters, um, at your home ever?

20 A Yeah, they did, and, um, Teresa would come over

21 Sunday nights a lot, because their three favorite

22 shows were on, so they'd watch it altogether and goof

23 off and...

24 Q All right. Were Sunday nights kind of a, um --

25 a -- a family night or regular time for all of

1 you to get together?

2 A Right. The kids would always stop in on a Sunday
3 sometime during the day.

4 Q Karen, I'm going to direct your attention to
5 Sunday, October 30 of 2005. Do you remember that
6 day?

7 A Yes.

8 Q Could you tell the jury what you remember about
9 Sunday, the 30th of October?

10 A Um, my dad's birthday is October 31, Halloween, so
11 the day before, my whole family got together at his
12 house and we just celebrated his birthday during the
13 day.

14 Q Was Teresa in attendance at that party?

15 A Yes, she was.

16 Q Were the rest of, uh, the siblings there as well?

17 A Yes, they were.

18 Q What happened that night if you recall?

19 A That night, um, we milked cows, and then Teresa came
20 home from -- about seven, because *Extreme Makeover*
21 *Home Edition* was coming on and she wanted to watch it
22 with the girls.

23 Q She was at your house?

24 A Right. At our house.

25 Q All right. Do you know about what time Teresa

1 left your home on the 30th?

2 A I would say it was after ten.

3 Q Um, did you know what Teresa's, um, work schedule
4 was the next day? That is, the 31st?

5 A No, I did not.

6 Q How often during the week would you speak with
7 your daughter, Teresa?

8 A She might stop in once or twice, or call, depends on
9 how busy she was, or if we were busy on the farm, you
10 know.

11 Q On the 31st of October, 2005 how old was Teresa?

12 A Twenty-five.

13 Q Had Teresa ever been married?

14 A No.

15 Q And at that time, that is, on the 31st of
16 October, 2005 was Teresa involved in a

17 relationship? Did she have a boyfriend or
18 anything?

19 A No.

20 Q Mrs. Halbach, when was the first time that you
21 had heard that Teresa was missing?

22 A On Thursday, November 3, about one o'clock, Tom
23 Pearce called me and he was concerned about Teresa
24 because she hadn't showed up at the studio Tuesday or
25 Wednesday, and -- because she always stopped in at

1 least once a day, even if she wasn't really busy that
2 day. But he said what -- what -- what really worried
3 him was that her cell phone, her voice mail, was
4 full. He got a message saying that, and that was
5 very unusual for Teresa because that was her business
6 phone als -- also, and for her not to return
7 somebody's message was a very odd -- so that worried
8 me too.

9 Q Do you know what kind of, uh, cell phone Teresa
10 had?

11 A Yes, I do.

12 Q Tell the jury, please?

13 A She had a Motorola RAZR V3 or something like that.

14 Q I'm going to hand you what has been marked for
15 identification as Exhibit No. 8. Tell the jury
16 what that is, please?

17 A It's a receipt for her cell phone.

18 Q And do you know if that receipt has a date on it?
19 That is, when she purchased her Motorola RAZR
20 cell phone?

21 A Yes. It says August 30, 2005.

22 Q I'm going to show you, also, what's been marked
23 as Exhibit No. 9. I'm going to have you turn to
24 the last page of that exhibit and ask if you, um,
25 can identify this as the cell phone, um, provider

1 contract with a Cingular phone?

2 A Yes, it is.

3 Q Does that include -- And, by the way, is that the
4 same date of October 30, 2005?

5 A Yes, it is.

6 Q And does it include the make and model of her
7 phone towards the bottom? That is, a, uh,
8 Motorola V3 --

9 A Yes, it does.

10 Q -- phone? Mrs. Halbach, on the 3rd of November,
11 after being informed by Teresa's business partner
12 that, uh, she was missing, could you tell the
13 jury what, uh, you, uh, and other family members
14 did?

15 A Um, I called Teresa's two brothers, Tim and Mike, to
16 ask if they had heard from her. They said, no. And
17 I told them about Tom Pearce calling me, so they got
18 worried, too. And then, um, they started calling
19 people around. And in the meantime, my husband was
20 out plowing in a field, I went and brought him home
21 and I said, we need to look for Teresa to find out
22 where she is. And then, um, he went and -- Teresa
23 had a roommate. He went and talked to the roommate,
24 asked if he saw -- if he had seen her in the last
25 three days. And while he did that, I called

1 *AutoTrader Magazine* to see if -- when the last time
2 they had heard from her, and I didn't get an answer
3 right away, so then I called the Calumet County
4 Sheriff's Department.

5 Q Were there other citizens -- not only family
6 members but other citizens -- uh, even on that
7 first day, even on the 3rd, that were trying to
8 help locate Teresa?

9 A Right. We called Teresa's friends, or Tim and Mike
10 started, and they, in turn, called other people. We
11 had a lot of people looking for her by phone.

12 Q Were you able, even on that first day, even on
13 the 3rd of, uh, November, to try to retrace her
14 steps from when she was last seen? That is, on
15 the 31st of October?

16 A Yes. Mike -- my son, Mike, was able to get into
17 Teresa's cell phone records, and he knew that she --
18 I'm not sure how to say it or --

19 Q Just go ahead.

20 A He knew that she hadn't looked at her messages or
21 where her -- when she -- when her last call was, and
22 that was on Monday, so he knew that was odd. So we
23 knew something was up so we kept looking for her.

24 Q All right. The fact that Teresa hadn't retrieved
25 her voice mail messages since the 31st, um,

1 obviously that worried you?

2 A Right.

3 Q Were you able, or were you, with the assistance
4 of your sons, able to determine the last stops or
5 the last places that Teresa was on the 31st?

6 A Um, I know the boys knew where her last stops were on
7 the 31st, but I'm not sure how they found that out.

8 Q Okay. Do you know if they were using cell phone
9 records to try to retrace her steps on the
10 31st?

11 A They were doing that, yes.

12 Q Were you told and did you have any discussions
13 with them that, uh, her last appointment that
14 afternoon, that is the 31st, was with, um, Steven
15 Avery, or at least with that property?

16 A Yes, I was.

17 Q Mrs. Halbach, between the 3rd of November and the
18 4th of November, did you work with any outside
19 agencies in trying to search for Teresa? In
20 other words, did you work to develop any missing
21 person posters?

22 A Yes, we did.

23 Q Can you describe that process for us, please?

24 A On Thursday night Jay Breyer called us. He works
25 with Y.E.S., Youth Educated in Safety. And helped us

1 put together a missing person poster for Teresa.

2 Q Have you look at the back of that exhibit that
3 I've given you. What number is that?

4 A Five.

5 Q Exhibit No. 5, can you tell us what that is,
6 please?

7 A This is Teresa's missing person poster.

8 Q All right. On the 3rd, and especially on the
9 4th, of November, do you recall citizens, um,
10 distributing thousands of these posters
11 throughout Northeast Wisconsin?

12 A Right. Yes, we did. That was mainly what we did on
13 Friday, was distribute posters.

14 Q Do you remember what other efforts citizens, that
15 is, family members and other citizens, engaged
16 in, uh, that Friday? We're talking Friday, the
17 4th?

18 A Um, my understanding -- I stayed home with our two
19 younger daughters, but they would hand out posters,
20 but they'd also keep their eyes open alongside of the
21 road, you know, in case she had an accident or, um --
22 I believe they -- if -- they thought she went to
23 Green Bay and back and had an accident, they followed
24 them roads, looked in the ditches.

25 Q All right. Were you aware that law enforcement,

1 that is, the police departments, um, were also
2 performing aerial, that is, uh, airplane
3 searches?

4 A Yes.

5 Q Um, was, uh, Teresa or her vehicle found either
6 that Thursday or that Friday?

7 A No.

8 Q Tell us, then, what the, um, family and friends
9 of Teresa planned for Saturday, the 5th of
10 November?

11 A Teresa had a good friend, um, Ryan Hillegas, and he
12 got a group of people together at Teresa's house, and
13 they organized searches in the area in Manitowoc
14 County where she was last seen, or her last three
15 appointments on Monday, so they wanted to search them
16 areas for sure, and they searched all along roadways,
17 under bridges. You know, our main thought was she
18 had -- had a car accident, and, um, I think that's
19 what they focused on.

20 Q You had mentioned that, uh, your, um, husband and
21 you had, um, milked cows at least during one of
22 the -- the days. Could you describe whether or
23 not that's the family business? That's what you
24 guys do?

25 A That's what we do, yeah. We're dairy farmers.

1 Q On Saturday, the 5th of November, um, were you
2 aware of a young, uh, woman, um -- actually two
3 women, um, Pam and Nikole Sturm being involved in
4 the search efforts?

5 A Yes, I was.

6 Q Could you tell the jury who is Pam Sturm?

7 A Pam Sturm is my husband's first cousin.

8 Q All right. And do you know where Ms. Sturm and
9 her daughter, Nikole, were searching?

10 A Um, they had asked Ryan Hillegas if, um, anybody was
11 searching the Avery Salvage Yard. He didn't think so
12 though. So she said her and her daughter were going
13 to go search the junkyard.

14 Q All right. I know this is difficult, Ms., uh --
15 Ms. Halbach, but later that day did you receive
16 any news?

17 A Pam and Nikole stopped at our house later in the day
18 and told us that they had found Teresa's vehicle.

19 Q Were you asked at all to either identify, um, the
20 vehicle or, uh, to further assist in law
21 enforcement efforts that day? That is, Saturday?

22 A Yes, I was.

23 Q And what did you do Saturday, if you remember?

24 A Um, I think Investigator Wiegert -- Wiegert called me
25 after he was in contact with Pam Sturm and he asked

1 me if Teresa's RAV 4 had a Lem -- LeMieux Toyota
2 sticker on it.

3 Q If her what? I'm sorry.

4 A If her RAV 4 had a LeMieux Toyota sticker on it.

5 Q Her vehicle?

6 A Yeah.

7 Q All right. What is a LeMieux Toyota sticker?

8 A That's where she bought it. In Green Bay.

9 Q All right. Do you know if you were able to
10 assist them in that?

11 A I didn't know for sure, but I knew Mike did, so I
12 called Mike and asked him, and Mike called me back
13 or -- or he said, yes, it did, and then I told
14 Mr. Wiegert it did.

15 Q All right. What's the next you heard from law
16 enforcement?

17 A I -- I draw a blank. I can't think.

18 Q Okay. Um, how often was it that law enforcement
19 was contacting you or keeping you informed about
20 the investigation?

21 A Very often. They kept us well-informed.

22 Q Let me just ask you, Mrs. Halbach, uh, we'll get
23 into some other, um, easier areas, but, uh,
24 within the next day or two, uh, were you informed
25 that human, uh, remains were found that they

1 believed to be your daughter Teresa?

2 A Right. Yeah.

3 Q Do you remember when you were told that?

4 A I think we knew human remains were found Tuesday, but

5 I think on Wednesday, the 9th, we were told that they

6 were identified as Teresa's.

7 Q All right. Mrs. Halbach, were you aware of a,

8 um -- a camera, a digital camera, that your

9 daughter had provided to her by *AutoTrader*

10 *Magazine* to take pictures of her cars at least

11 for that part of her job?

12 A Yes.

13 Q I'm going to show you what's been marked as

14 Exhibit No. 6, ask if you can tell the jury what

15 that is, please?

16 A It's the box for the digital camera.

17 Q Now, Exhibit No. 6 indicates a, um, PowerShot

18 A310 by Canon. Do you know, um, where this box

19 was located?

20 A In Teresa's house.

21 Q Teresa tend to keep boxes and receipts and things

22 like that?

23 A Yep, she did that.

24 Q Kind of a pack rat?

25 A Well, I -- I call it organized.

1 Q Okay. Were you aware of a, um -- a personal, um,
2 data assistance, something called a PDA, that,
3 uh, Teresa also owned?

4 A Yes, she had one of them.

5 Q I show you what's been marked, uh, for
6 identification as Exhibit No. 7. Tell us what
7 that is, please?

8 A It's the box for her PDA.

9 Q And as long as Mr. Wiegert's up, I'm going to
10 also give you Exhibit No. 10. Tell us what that
11 is, please?

12 A It's a receipt for PDA that she bought at Target
13 November 15, 2004.

14 Q Now, PDA, at least the most common version is, or
15 sometimes it's called a Palm Pilot, do you know
16 what these things do?

17 A I think you can put your appointments in it, your
18 schedules, that type of thing.

19 Q All right. And the Palm Zire 31 brand, uh, the
20 box that we're looking at, um, uh, in the Exhibit
21 that you've just identified, um, was that, again,
22 found in Teresa's apartment?

23 A Yes, it was.

24 Q Just a couple more questions, Mrs. Halbach. The
25 investigation, um, into Teresa's disappearance

1 and her death, uh, required DNA samples being
2 provided. Were you asked for one of those?

3 A Yes.

4 Q And do you know, um -- Do you know about when you
5 had to give a DNA sample to compare with some of
6 the, um, materials that were --

7 A I would -- I think it was in the spring.

8 Q All right. But you did provide a -- a -- a
9 sample of I think it was your saliva; is that
10 right?

11 A Right.

12 Q The last question -- last, uh, difficult question
13 I have for you, Mrs. Halbach, is at anytime after
14 the 30th of October, that evening after 10:00 on
15 the 30th of October, 2005, uh, had you ever seen
16 or heard from your daughter, Teresa Halbach?

17 A No, I did not.

18 ATTORNEY KRATZ: At this time, Judge, I
19 would move the admissions of Exhibit 1 through 10.

20 THE COURT: Any objection?

21 ATTORNEY FREMGEN: What was 8 and 9?

22 ATTORNEY KRATZ: The two receipts and the
23 contract.

24 ATTORNEY FREMGEN: No objection.

25 THE COURT: Mr. Kratz, did you -- did you

1 introduce an Exhibit 4?

2 ATTORNEY KRATZ: That was, uh --

3 Q (By Attorney Kratz) I did show you. That was
4 the, uh -- it was a photo of your family. Do you
5 still have it up there?

6 A No, I gave it back.

7 ATTORNEY KRATZ: Oh. Mr. Wiegert, let's
8 put it up there.

9 Q (By Attorney Kratz) We were talking about your
10 family, and I'll show you Exhibit No. 4.

11 ATTORNEY KRATZ: I apologize, Your
12 Honor.

13 Q (By Attorney Kratz) I'm showing you Exhibit No.
14 4. Tell us what this is, please?

15 A It's a family picture that our daughter, Teresa, set
16 up. She didn't take the picture, because she was --
17 she's in it, but she set it up.

18 Q Uh, timers --

19 A Uh, no. Mike's girlfriend took the picture. She
20 snapped it.

21 Q She just set it up. Can you identify just, uh,
22 briefly for us the people in this picture?

23 A Um, from left to right in the back row is my husband
24 Tom, and then there's Katie and Kelly, and in the
25 front row is Tim, and then myself, and Mike holding

1 our dog, and Teresa's on the end on the right.

2 Q All right.

3 ATTORNEY KRATZ: With that, and with
4 that offer, Judge, that's all the questions I
5 have of this witness. Thank you.

6 THE COURT: Any objection?

7 ATTORNEY FREMGEN: No, Judge.

8 THE COURT: All right. They're received.
9 Cross?

10 ATTORNEY FREMGEN: I just have a few
11 questions.

12 **CROSS-EXAMINATION**

13 BY ATTORNEY FREMGEN:

14 Q Prior to November 5, 2005, have you ever heard of
15 the name Brendan Dassey?

16 A No, I don't think I did.

17 Q Had Teresa Halbach ever mentioned -- Teresa, your
18 daughter, obviously -- ever mentioned anything
19 about a Brendan Dassey? You mentioned she had
20 mentioned Steven Avery's name before; correct?

21 A Right.

22 Q Had Brendan's name ever been mentioned by her?

23 A No.

24 ATTORNEY FREMGEN: Okay. Nothing else.

25 THE COURT: Any redirect?

1 ATTORNEY KRATZ: No. Thank you, Judge.

2 THE COURT: You may step down.

3 ATTORNEY KRATZ: State will call Katie
4 Halbach to the stand.

5 THE CLERK: Please raise your right
6 hand.

7 **KATIE HALBACH,**

8 called as a witness herein, having been first duly
9 sworn, was examined and testified as follows:

10 THE CLERK: Please be seated. Please state
11 your name and spell your last name for the record.

12 THE WITNESS: Katie Halbach,
13 H-a-l-b-a-c-h.

14 **DIRECT EXAMINATION**

15 BY ATTORNEY KRATZ:

16 Q Hi, Katie. How old are you?

17 A I'm 15.

18 Q Could you tell us, please, who Teresa Halbach
19 was?

20 A She is my sister.

21 Q And was Teresa older or younger than you?

22 A She was older than me.

23 Q How much older?

24 A Eleven years.

25 Q Now, some sisters are closer than others. Could

1 you describe how close you were to Teresa and
2 what kinds of things you used to do together?
3 A Um, we were pretty close. We would -- Well, me and
4 my little sister would go over to Teresa's house,
5 sleep over, or we would go shopping, or things like
6 that.
7 Q All right. What kind of things would you shop
8 for?
9 A Um, clothes, mostly.
10 Q Do you know where Teresa did, uh, most of her
11 shopping? Or was it all over?
12 A Um, it was all over pretty much.
13 Q Teresa ever shop at a department store called
14 Kohl's?
15 A Yes, she did.
16 Q Katie, were you the closest in age, at least, uh,
17 female sibling, the closest to Teresa?
18 A I am.
19 Q And your other sister is younger; is that
20 correct?
21 A Yep.
22 Q By the way, would you, um, do other recreational
23 kinds of things with Teresa?
24 A Um, I guess like we would -- She would take us to
25 parks and we would go for walks and things like that.

1 Q Was Teresa involved in coaching any sports?

2 A Yes. She coached my little sister's volleyball team.

3 Q Okay. And would you ever go watch those games or

4 anything?

5 A I did.

6 Q I'm going to show you what has been marked as

7 Exhibit No. 11. Can you tell us what that is,

8 please?

9 A This is a picture of the volleyball team that she

10 coached.

11 Q And who is she?

12 A My sister, Teresa.

13 Q Is she in that picture?

14 A Yep. She is in the back row, first person on the

15 left.

16 Q All right. I think you had mentioned, Katie,

17 that, um, after shopping with, uh, your sister,

18 um, it wasn't unusual for you guys to buy some

19 clothes together; is that right?

20 A Yep.

21 Q Had you ever purchased or gone with Teresa, uh,

22 and purchased any specific articles of clothing

23 like jeans or anything like that?

24 A We would.

25 Q As her closest sister, at least closest in age,

1 uh, I know we talked about clothes, generally,
2 but you -- were you aware of the jeans that she
3 owned?

4 A I know most of them.

5 Q Do you know and can you tell the jury, please,
6 what kind of jeans your sister owned?

7 A I know of a pair of Daisy Fuentes jeans she had.

8 Q Okay. Let's just start with those. What are
9 Daisy Fuentes jeans?

10 A Um, it's a brand name of jeans that is normally found
11 at Kohl's.

12 Q Okay. How is it that you remember the Daisy
13 Fuentes jeans?

14 A Um, one day I noticed that she was wearing them and I
15 told her that Daisy Fuentes was an old person so she
16 was wearing old people's jeans.

17 Q Okay. At some point, Katie, had you, um, been
18 told that your sister, Teresa, had been killed?

19 A Yes.

20 Q After, um, Teresa's death, were you asked to go
21 to her, um, apartment, her residence, and look
22 through some of her clothing?

23 A Yes.

24 Q When you looked through your sister's clothing,
25 were you able to find those Daisy Fuentes jeans

1 that you teased her about?

2 A No, I did not.

3 Q Mr. Wiegert's handed you a pair of, uh -- of
4 jeans with an exhibit sticker on them. I think
5 it's a gray or a blue sticker. Can you tell me
6 what exhibit number that is?

7 A Exhibit 13.

8 Q And have you ever seen those jeans before?

9 A Yes, I have.

10 Q What is Exhibit No. 13?

11 A Um, it's a pair of jeans that I picked out at Kohl's
12 one time that I thought were similar to the jeans
13 that Teresa owned.

14 Q Did a law enforcement officer or officers take
15 you on a -- a shopping trip and have you find the
16 jeans that your sister used to own?

17 A Yes. I went with Mr. Fassbender.

18 Q Okay. If you can hold up Exhibit No. 13 and show
19 the jury, please, um, what kind of jeans are
20 those?

21 A They are Daisy Fuentes jeans.

22 Q And are those jeans, uh, at least to the best
23 that you were able to determine, uh, the same or
24 similar jeans that your sister had owned prior to
25 her death on the 31st of October?

1 A They are.

2 Q You know what a rivet is on a jean?

3 A Um, I believe it is one of these little buttons that
4 holds the jeans together.

5 Q Okay. And those rivets on those jeans, do they
6 say anything on them?

7 A They say "Daisy Fuentes".

8 Q I'm going to have you give those jeans back to
9 Mr. Wiegert at this time. I'm going to have
10 Mr. Wiegert take them over to the ELMO machine
11 and see if we can show the jury what we're
12 talking about. Just as he's doing that, those
13 little brass buttons, or those, um, little
14 things, are those the rivets that you were
15 talking about?

16 A Yes.

17 Q When Mr. Wiegert zooms in, it looks like that's
18 as far as it zooms in, the little black lettering
19 that goes around the rivet, um, since you've seen
20 it, and we have a hard time seeing it, that says
21 "Daisy Fuentes"; is that right?

22 A Yes.

23 Q Katie, do you know what a lanyard is?

24 A I believe it's one of those key chain things you put
25 with your keys that you can wear around your neck.

1 Q Okay. And do you know if you ever gave your
2 sister, Teresa, a, uh, key chain thing, a
3 lanyard, for around her neck?

4 A I did.

5 Q Mr. Wiegert is going to have another exhibit
6 marked for you, and we're going to show you, I'm
7 sure, what will be Exhibit No. 14.

8 Q Tell the jury what that is, please?

9 A It is a blue lanyard that says "Air National Guard".

10 Q Do you recognize Exhibit No. 14?

11 A Yes. It is the lanyard that I gave Teresa.

12 Q And do you remember where you got that and where
13 you -- when you gave it to Teresa?

14 A It was two summers ago. I was at the EAA Convention,
15 and there was a booth, and they were giving away free
16 lanyards.

17 Q Now, that particular lanyard, if you can hold it
18 up for the jury so that they can see what you're
19 talking about, it's got a plastic thing on the
20 end of it. Can you show them that? That plastic
21 end to the lanyard, do you know what that goes
22 into?

23 A Um, a fob.

24 Q All right. And can you tell the jury what a fob
25 is, if you know?

1 A Um, it's another piece of cloth, the same color, and
2 then it's connected to a key chain.

3 Q To help the jury, I'm going to show you Exhibit
4 No. 12, which is a photograph. Ask if you have
5 seen that before?

6 A Yes, it's the same lanyard.

7 Q And does Exhibit No. 12, that is, the photograph,
8 include the key part of it, that is, the fob that
9 clicks in or goes into that particular key chain?

10 A It does.

11 Q Does that key chain and that fob depicted in
12 Exhibit No. 12 look the same or similar as the
13 key chain and, uh, fob, or lanyard and fob, that
14 you gave to your sister a couple of summers ago?

15 A It does.

16 Q Do you know whether or not your sister ever used
17 that key chain and -- and, uh, um, that lanyard
18 and fob?

19 A She did.

20 Q How do you know that?

21 A Because before I gave her the lanyard she had a
22 different one and then I remember her switching them.

23 Q Okay. Katie, on Sunday nights did your sister,
24 Teresa, and you make a habit of watching some
25 television shows together?

1 A We did.

2 Q Where would you guys usually watch those shows
3 together?

4 A Either at our house or hers.

5 Q All right. Do you remember the day before she
6 was killed, that is, on the 30th of October, if
7 you and Teresa and your other sister spent that
8 night together and watched those shows together?

9 A Um, I believe we were at my grandpa's house for his
10 birthday.

11 Q All right. You remember that birthday party that
12 night?

13 A Yeah.

14 Q Or that day at least?

15 A Yeah.

16 Q And the same question that I asked of your mom,
17 after the 30th of October, had you ever seen or
18 heard from your sister, Teresa?

19 A I did not.

20 Q Last question for you. Um, do you know what kind
21 of soda that, uh, your sister, Teresa, used to
22 drink? Did she have a brand of soda she liked?

23 A Um, she likes cherry sodas a lot.

24 Q Do you know if she liked Wild Cherry Pepsi brand
25 soda?

1 A She did.

2 Q That's all I've got, Katie. Thank you.

3 ATTORNEY KRATZ: Judge, I would move the
4 admission of -- Uh, Berta, I'm sorry.

5 THE CLERK: Um --

6 ATTORNEY KRATZ: Eleven through fourteen?

7 THE CLERK: Eleven, twelve and thirteen.

8 ATTORNEY KRATZ: And 14.

9 THE COURT: And 14.

10 THE CLERK: And 14.

11 ATTORNEY KRATZ: Eleven through fourteen,
12 Judge.

13 THE COURT: Any objection, Counsel?

14 ATTORNEY FREMGEN: I would like to be heard
15 on 13.

16 THE COURT: Uh --

17 ATTORNEY FREMGEN: No objection to 11,
18 12 and 14.

19 THE COURT: Okay. Eleven, twelve and
20 fourteen are received. You want to be heard outside
21 the presence of the jury or here?

22 ATTORNEY FREMGEN: Uh, at a break we can
23 take that up.

24 THE COURT: Okay. Cross?

25 ATTORNEY FREMGEN: No, sir. Thank you.

1 THE COURT: All right. You may step down.

2 ATTORNEY KRATZ: May we just have a brief
3 sidebar, Judge?

4 THE COURT: Sure.

5 (Discussion off the record.)

6 ATTORNEY KRATZ: State would call Tom
7 Fassbender to the stand.

8 **THOMAS FASSBENDER,**

9 called as a witness herein, having been first duly
10 sworn, was examined and testified as follows:

11 THE CLERK: Please be seated. Please state
12 your name and spell your last name for the record.

13 THE WITNESS: Thomas J. Fassbender,
14 F-a-s-s-b-e-n-d-e-r.

15 **DIRECT EXAMINATION**

16 BY ATTORNEY KRATZ:

17 Q Mr. Fassbender, could you tell us how you're
18 employed, please?

19 A Yes. I'm a special agent with the Wisconsin
20 Department of Justice, Division of Criminal
21 Investigation, DCI.

22 Q What are your duties with DCI?

23 A Uh, currently I investigate, uh, crimes, such as
24 homicide, uh, or crimes that are statewide importance
25 in nature, and I'm a part of what we call a General

1 Investigations Bureau.

2 Q Could you speak up just a little bit? I'd
3 appreciate it. Were you employed in that
4 capacity on November 5 of 2005?

5 A Yes, I was.

6 Q And on November 5 of 2005, uh, were you called to
7 a location which has been come to known as the
8 Avery salvage property?

9 A Yes, sir.

10 Q How is it that you got called to that location?

11 A I was called by my supervisor, who, uh, informed me
12 that the Calumet County Sheriff had asked for DCI's
13 assistance at that location, and it had to do with,
14 uh, an investigation into a missing person, which was
15 Teresa Halbach.

16 Q Tell the jury, if you would, please, about what
17 time, um, you got to that location?

18 A I arrived at, uh, that location, which was the Avery
19 Salvage Yard, just a little after 2 p.m. that
20 afternoon.

21 Q Tell the jury, please, what, if anything, you
22 observed upon your arrival at that salvage yard?

23 A When I arrived at the salvage yard, um -- salvage
24 yard is located at the end of a road named Avery
25 Road, and at the end of that road, uh, there was a --

1 a law enforcement presence set up there. Kind of
2 like I guess what you would called a command post,
3 and met with, um, members of law enforcement there,
4 uh, to include the sheriff of Calumet County.

5 Uh, received a -- a real brief, uh,
6 briefing at that time, and, uh, subsequently went
7 down into an area known as the -- the salvage
8 yard where the -- the salvaged vehicles were
9 maintained, and there was another, uh, law
10 enforcement presence down there, uh, so to speak,
11 like a checkpoint, um, and -- and it was from
12 that location that I was shown where a vehicle --
13 Teresa's vehicle, had been located.

14 Q I don't know if you told us, but, uh, who also
15 was there when you got there?

16 A Well, for certain, uh, the Calumet County Sheriff
17 Jerry Pagel was there, and other law enforcement
18 officers, to include officers from, uh, the Manitowoc
19 County Sheriff's Department and Calumet County
20 Sheriff's Department.

21 Q After your arrival, uh, was there any discussion
22 regarding what role, if any, the Wisconsin
23 Department of Justice would take in the
24 investigation?

25 A Yes. Uh, as I mentioned, Sheriff Pagel had requested

1 DCI's assistance. Um, with that being said, I
2 learned that, um, the Manitowoc County Sheriff's
3 Department had requested the Calumet County
4 Sheriff -- Sheriff's Department to take the lead role
5 in the investigation, and, uh, with that, they --
6 Sheriff Pagel requested DCI's assistance. So, in
7 essence, we were there, uh, to assist in the
8 investigation, and, ultimately, I was asked, uh, to
9 join Investigator Mark Wiegert as a lead investigator
10 in the investigation.

11 Q Is it unusual, Agent Fassbender, for DCI to
12 become involved in major crime investigations?

13 A No, that's not unusual.

14 Q After your arrival at the, um, scene, um, were
15 you able to survey, if you will, the, uh -- the
16 property, itself?

17 A Yes.

18 Q And I've handed you or had handed to you an
19 exhibit. Can you tell us -- I think it's Exhibit
20 No. 15. Tell us what that is, please?

21 A This is Exhibit 15, and this is an aerial photograph
22 overview of, uh, the Avery Salvage Yard, including
23 residences, um, on or around that property.

24 Q I've had Mr. Wiegert hand you a laser pointer.
25 And, actually, we'll be using the large screen to

1 my right, although I'm sure the jurors can see
2 with the smaller screens as well.

3 Uh, if you'd be so kind as to refer to
4 Exhibit No. 15 and show the -- and describe for
5 the, uh, jurors the major landmarks of the Avery
6 salvage property.

7 A As I mentioned before, uh, this road right here
8 running north and south is Avery Road. As you come
9 south on Avery Road to this intersection right here,
10 to the west, or to your right if you're going south,
11 is a driveway, essentially, that goes all the way
12 down to two residences. There's a trailer at the end
13 right down here. That is, uh, the residence or the
14 trailer where Steven Avery resided. Uh, there's a,
15 um, unattached garage there also.

16 The residence just to the east of Steven
17 Avery's residence, uh, is the residence of
18 Barbara Tadych. Uh, at that time it's Barbara
19 Janda. And that, uh, is the residence that, um,
20 Mr. Das -- Dassey, uh, resided in. Brendan
21 Dassey.

22 Uh, there's an abandoned trailer right
23 there along this driveway. Going back to the
24 intersection at the end of Avery Road, uh, is
25 where the auto salvage business is essentially

1 located, as well as several other -- or two other
2 residences.

3 Uh, this building right here, this large
4 building, is where the au -- auto salvage office
5 and, uh, workshop was located. There's an
6 impound area right in here that has three
7 buildings associated with it. That's an old
8 office, I believe, and shop area.

9 And right here's the residence of, uh,
10 Al and Delores Avery, or Mr. and Mrs. Avery,
11 Steven Avery's father.

12 Uh, if you go -- continue south when you
13 get to this intersection -- And, by the way, this
14 is where that command post would have been set
15 up, that law enforcement presence that I was
16 talking about.

17 If you continue south, there's another
18 residence located right in this area, which is
19 Chuck Avery's residence, which would be Steven
20 Avery's brother.

21 And then continuing south, you go down
22 into what was commonly referred to as the, uh,
23 salvage yard, or the pit, and that was, uh,
24 called that, I believe, because it used to be an
25 old quarry, uh, area, similar to the quarries

1 that are located around the salvage yard. So you
2 go down -- uh, descent into this area where all
3 the vehicles are located, uh, into the, uh,
4 salvage yard area.

5 Q So that the jury has a, um -- a better
6 understanding of, uh, some of the, um -- the
7 areas, I'm going to show you, first, what has
8 been marked as Exhibit No. 16. Tell us what this
9 is, please?

10 A That would be the northwest corner of the salvage
11 yard. And I had mentioned, uh, Steve Avery's and
12 Brendan Dassey's residences. Right here is the
13 trailer that Steven Avery resided in and his
14 unattached garage.

15 Uh, that's that driveway I was talking
16 ~~about coming to that location,~~ and this is the,
17 uh -- right here I'm pointing at the northwest
18 corner of the entire, um, Avery properties.

19 Next, or just to the east, of Steven
20 Avery's residence is Brendan Dassey's, uh,
21 residence, or where he resided, his unattached
22 garage, also, which would make up, and then the
23 surrounding, uh, curtilage or yards of both, uh,
24 residences.

25 Q . One of the other corners of the property I'm now

1 showing you as Exhibit No. 17, tell us what that
2 is, please?

3 A This would be the southeast corner of the, uh, Avery
4 Salvage Yard. Um, you can see that berms, or
5 possibly see that berms, are built up around these
6 areas. Uh, to the south of that is -- is a -- a
7 quarry, a privately owned quarry, Radandt Quarry, and
8 to the east of that is a field -- field area.

9 Uh, so -- And you can see the salvaged
10 vehicles here, some salvage vehicles lined up
11 along there, a retention pond there, and also a
12 automobile crusher located right there, which is,
13 again, in this photo, which would be the lower
14 right-hand area of the photo.

15 Q Now, this particular corner of the salvage
16 property, I think you mentioned when you first
17 arrived, uh, on the property you had concentrated
18 on this area; is that -- is that a correct
19 statement?

20 A That's correct.

21 Q Can you tell the jury why? What you saw?

22 A I was sent down to this area, and there was a staging
23 right -- oh, somewhere right in this area, uh, law
24 enforcement vehicles, uh, like I said, what could be
25 considered a checkpoint. Um, beyond that is where I

1 was told that, um, Teresa's RAV 4 vehicle had been
2 found, and I was pointed to an area right there.
3 There's a -- a red vehicle right there that's offset
4 from the other line of vehicles, and the RAV 4 was
5 located right in that area, and in this photograph it
6 is not there. It had been removed already.

7 Q The last exhibit, um, I think that I've given you
8 so far, is Exhibit No. 18, and you talked about a
9 command post. I show you Exhibit No. 18, and
10 tell the jury what we're looking at, please?

11 A This is Avery Road that I'm pointing to right now
12 starting in the, uh, lower right-hand corner on this
13 photograph. And as you reach where the command post
14 was, which was right there, and right here there's
15 some command post vehicles, is the northeast corner
16 of the Avery Salvage Yard. Um, I mentioned some of
17 the -- the, uh, buildings here. This is the office
18 and shop area to the Avery Salvage Yard. This big,
19 red building is another work --

20 Q I can zoom out a little bit. I'm sorry.

21 A -- work area, I think, associated with the, um,
22 impound area. The old shop and service area, I
23 believe, and then right in here is, uh, Al and
24 Delores' house, and I can't quite see it in here,
25 but, uh, Chuck Avery's house is right in there.

1 Q Now, I know that you, uh, at least briefly,
2 talked about a command center or a command post.
3 Um, let me just skip ahead so that the jury knows
4 where we're going. How long was it that law
5 enforcement had control of this 40-acre property?

6 A Well, beginning on -- on, uh, November 5 at
7 approximately 11 a.m., uh, law enforcement offer --
8 or arrived on that property, uh, in response to a
9 call that Teresa Halbach's vehicle may have been
10 found there, and from that point on, through
11 approximately 11:30 on Saturday, November 12, uh, we
12 maintained a presence and held that property.

13 Q So a full week?

14 A Yes.

15 Q Within the, um, pit area, I guess, the -- what
16 would be to the, um, south and west of the
17 command center, um, you may notice some vehicles.

18 Can you describe those vehicles for us, please?

19 And, by the way, what exhibit is it that you're
20 looking at?

21 A I'm currently looking at Exhibit 19.

22 Q And is what's up on the screen a, uh, depiction
23 of Exhibit 19?

24 A Yes, it is.

25 Q Tell us what that is, please?

1 A Basically, we -- uh, we're looking toward the
2 southwest, um, from the, um, north side of the
3 property. And as I mentioned, uh, the salvage area,
4 or the -- the junkyard area, goes down into a pit, so
5 we're standing up on the elevation part, I believe,
6 to the rear of -- and I'm not positive -- but to the
7 rear of, or the south of, uh, the Dassey residence,
8 or, uh, Steve Avery's residence, looking out over the
9 salvage yard, and the -- and the vehicles you see in
10 the picture are, essentially, um, many of the, uh,
11 salvaged vehicles in that pit area.

12 Q Through your seven days of, um, contact with that
13 residence, uh, did you come to determine how many
14 junked vehicles were on that property?

15 A Yes. There were approximately 4,000 vehicles on that
16 property or on that salvage yard.

17 Q All right. You said that, um -- that this
18 particular property, and -- and I don't expect
19 any of these, uh, out-of-town jurors to know
20 this, but, uh, the entry to this property is on a
21 county road, a Highway 147; is that right?

22 A A state highway. Highway 147. Yes.

23 Q I'm showing you now what's been marked as Exhibit
24 No. 20. Can you tell us what that is, please?

25 A That's a sign for the Avery Auto Salvage and Towing,

1 and that is located at the, uh, north end of Avery
2 Road where it intersects with, uh, State Highway 147.

3 Q Exhibit 20 is really just the business sign that
4 directs patrons into that salvage area; is that
5 right?

6 A That's correct.

7 Q Now, Agent Fassbender, your original, um, contact
8 with that location you said was at the, uh,
9 request of, um, Sheriff Pagel, the sheriff from
10 Calumet County; is that right?

11 A Yes, that's right.

12 Q At about what time -- Um, perhaps you answered
13 this, but at about what time did you arrive at
14 that scene?

15 A Shortly after 2 p.m.

16 Q And about that time, or shortly thereafter, did
17 you agree to become one of the lead investigators
18 in this case?

19 A Yes.

20 Q And, again, shortly after 2 p.m., did you and
21 other law enforcement officers become actively
22 involved in securing or applying for what's known
23 as a search warrant?

24 A Yes.

25 Q Tell the jury what a search warrant is, please?

1 A Essentially, a search warrant is an order, uh, signed
2 by a judge, based on probable cause that directs law
3 enforcement to search a person, object, uh, place,
4 uh, and to seize, uh, property or items of property.

5 It's based on probable cause that a
6 crime may have been committed. Uh, along with
7 that, uh, the date that it's issued to the date
8 that it's, uh, executed, uh, you have five days
9 to do that, and you have 48 hours to return the
10 search warrant. Basically, that's returning it
11 to the Clerk of Courts, or the Court, with a --
12 an inventory of what was seized if anything.

13 Q The judicial authorization, that is, the, um --
14 the fact that a judge authorizes you to search,
15 uh, either a place, uh, or buildings, or
16 residences, or even persons, um, did you believe
17 that that was required or necessary before, uh,
18 you folks went any further that day? That is, on
19 the 5th?

20 A Yes.

21 Q You said that upon your arrival, um, you had
22 observed some items or some property that had
23 been previously discovered by some citizen
24 searchers; is that right?

25 A That's correct.

1 Q Describe that for the jury, please?

2 A The item was a -- a 1999, uh, RAV 4. It was
3 bluish/green in color, and, um, the citizen searchers
4 had located it on the Avery property, and had
5 contacted law enforcement, uh, reporting that they
6 may have located, uh, Teresa Halbach's vehicle.

7 Q I'm going to show you three exhibits. First, uh,
8 Exhibit No. 21, larger picture of that, can you
9 tell us what we're looking at, please?

10 A That is the, uh, rear of that vehicle I just
11 described, a Toyota RAV 4, 1999, bluish/green in
12 color, and that is the condition that that vehicle,
13 or the rear of the vehicle, the condition of that
14 vehicle, uh, as it was found.

15 Q And does that look the same or similar as when
16 you saw it shortly after 2 p.m. on the 5th of
17 November?

18 A Yes.

19 Q And, by the way, just so this jury is aware, uh,
20 had that vehicle been secured? That is, did law
21 enforcement officers, who arrived on the scene
22 prior to your arrival, make sure that nobody had
23 entered or tampered with that vehicle?

24 A Yes.

25 Q The vehicle, at least Exhibit No., uh, 23, as we

1 see it -- excuse me, 21, as we see it, appears to
2 be obscured by, um -- at least at the back of
3 it -- by some branches. Uh, could you describe
4 that further? Did it appear to be intentionally
5 concealed in your opinion?

6 A Absolutely. Uh, tree branches, posts, fence posts,
7 boxes, plywood, auto parts.

8 Q All right. Let's move on, then, to Exhibit No.
9 22, the side of the vehicle. Tell us what we're
10 looking at here, please?

11 A This is the passenger side of that vehicle. Uh, uh,
12 you can see to the -- the rear of the vehicle is that
13 red vehicle I was talking about that the RAV 4 was,
14 uh, positioned next to. Um, as you can see, it's got
15 tinted windows in the back. Uh, there's a vehicle
16 hood leaned up against, uh, the RAV 4.

17 You can see branches. Even in the, uh,
18 lower right-hand corner is a piece of the, uh,
19 particle board or plywood I was talking about.
20 Uh, and on top of the vehicle you can see that
21 branches, uh, were placed on the top of the
22 vehicle also.

23 Q And, finally, I'm going to show you Exhibit No.
24 23. Tell us what we're looking at here, please?

25 A That's a photograph of the same vehicle. The RAV 4.

1 Uh, the passenger side front corner facing that
2 direction. Again, uh, it's a good picture to show,
3 uh, the objects that were used to -- in an attempt to
4 conceal the vehicle. Uh, brush, branches, uh, posts
5 fencing, plywood. There's actually a -- a box on the
6 hood somewhere in there, too. Um, and the -- and
7 the, uh -- toward the rear of the passenger side you
8 can see the vehicle hood, uh, leaning up against
9 the -- the RAV 4.

10 Q If you would be so kind as to take the laser
11 pointer, the larger image, show that vehicle hood
12 that we're talking about?

13 A On the left side of the photograph here, um, that I'm
14 pointing to right now, is that vehicle hood lean --
15 leaning up against the, uh, passenger rear quarter
16 panel area of the RAV 4.

17 Q Do you know what that vehicle hood's made out of?

18 A Metal. Steel.

19 Q All right. Have I had other exhibits provided to
20 you? Are there other exhibits that were
21 provided?

22 A Yes.

23 Q Could you tell me what they are, please?
24 Twenty-four?

25 A What's been marked as Exhibit 24 is a, uh -- another

1 photograph of, uh, the 1999 Toyota RAV 4. Uh, it's
2 more at or around dusk. Getting dark out. Again, it
3 still has the, um, debris, um, that was put on and
4 stacked up by the, uh, RAV 4, and, also, there was --
5 or shows, uh, some individuals in the scene, some law
6 enforcement officers in the scene.

7 Q All right. In this picture, as well, is the
8 steel, um, vehicle hood, uh, in front of a
9 gentleman I think that the jury will learn is
10 John Ertl. Can you first point to Mr. Ertl from
11 the Crime Lab, and then, again, describe that
12 vehicle hood?

13 A Uh, Mr. Ertl's standing right there in the, uh,
14 coveralls. Uh, he's from Wisconsin State Crime Lab.
15 They had been called to the scene to assist in
16 processing, uh, or seizing evidence, and that the
17 vehicle hood is -- is to his left and in front of him
18 right there leaning up, again -- against the Toyota
19 RAV 4.

20 Q Before we go any further, uh, Agent Fassbender,
21 we've brought into the court, uh, what's been
22 marked as Exhibit No. 26. Can you tell us what
23 that is, please?

24 A Exhibit 26 is that vehicle hood that I've pointed out
25 in the photographs, uh, leaning up against the, uh,

1 rear quarter panel -- passenger rear quarter panel of
2 the RAV 4.

3 Q Have you picked up, or with the assistance of
4 others, attempted to manipulate that particular
5 piece of steel?

6 A Yes.

7 Q Uh, in your opinion, um, would that take more
8 than one individual to, uh, at least
9 appropriately, move it from one area to another?

10 A Yes.

11 Q I'm showing you, also, what's been marked as
12 Exhibit No. 25. Tell us what that is, please?

13 A Exhibit 25 is another photograph of, uh, the RAV 4
14 and its location. Where it was found. This
15 photograph is taken looking, uh, at the rear
16 passenger corner of the vehicle. Clearly, again,
17 showing, and I'll point out, the vehicle hood, uh,
18 what appears to be a fence post next to the vehicle
19 hood, and branches, uh, concealing the vehicle.

20 Q If I can go back just a -- a moment, please, to
21 Exhibit No. 24, uh, we see Mr. Ertl, yourself,
22 couple of other individuals in that -- in that
23 depiction, um, and you mention this was right
24 around dusk; is that right?

25 A Yes.

1 Q What's the significance, if any, of Exhibit No.
2 24? In other words, what is happening just prior
3 to and just after this photograph was taken? I'm
4 going to ask it a -- a -- different way because
5 that -- I know that that was a bad question. I'm
6 sorry. Uh, was this vehicle, um, completely
7 processed at the scene or was a decision made to
8 remove the vehicle from this location?

9 A The decision was made in conjunction with, uh, the
10 forensic scientists from the Crime Laboratory that we
11 would move the vehicle from the scene. Um, one,
12 uh -- Some factors that entered into that decision,
13 obviously, was, uh, darkness, uh, coming upon the
14 scene, and inclement weather also having already
15 happened, and, uh, more inclement weather being
16 predicted, so the vehicle was, uh, removed from the
17 scene and -- and transported to the Crime Laboratory
18 in Madison.

19 Q Could you tell the jury, please, how the vehicle
20 was removed from the scene?

21 A Well, first, the Crime Lab personnel that were at the
22 scene, uh, processed and examined the items that, uh,
23 were used to conceal the vehicle, um, to determine
24 whether they felt it had any evidentiary value.

25 Certain items were seized and

1 transported with the vehicle, such as the vehicle
2 hood there. Um, at that time a wrecker service
3 was contacted, as well as a transport service,
4 Rabas, uh -- Rabas, R-a-b-a-s, I believe, came
5 and, uh -- with their wreckers, and they removed
6 the vehicle from its location and brought it out
7 by where we had seen the vehicle crusher. At
8 that location Pethan, uh, Transport was located
9 with an enclosed trailer and the RAV 4 was backed
10 into that enclosed trailer and sealed, and then,
11 um, transported to the Wisconsin State Crime
12 Laboratory in Madison, Wisconsin along with -- or
13 in the accompaniment of the two forensic
14 scientists that were on the scene.

15 Q Just prior to the removal of the vehicle, uh,
16 were there any other resources that were called
17 in, uh, to search, uh, at least around that
18 particular RAV 4?

19 A Yes, there was.

20 Q Describe that for us, please?

21 A Um, we utilized, uh, Great Lakes Search and Rescue,
22 which is, uh, basically, uh, search dogs, and they
23 came to the scene. And one dog, in particular, was
24 utilized, uh, in that area, that south, uh, east area
25 of the yard, salvage yard, uh, commencing at around

1 the crusher area.

2 The dog was used to, um, see if it would
3 alert on the crusher. You know, this dog I'm
4 talking about is a dog that would alert. They
5 called them cadaver dogs, and they will alert on,
6 uh, uh, deceased human bodies as well as human
7 blood. And, uh, that dog was utilized to search
8 that area to the south and then along that south
9 line to the -- or past the Toyota RAV 4.

10 Q I'm showing you Exhibit No. 27. This is a woman
11 named Julie Cramer and a dog named Brutus. Do
12 you recognize them?

13 A Yes.

14 Q Tell us, who are Julie and Brutus?

15 A They're members of the Great Lur -- Great Lakes
16 Search and Rescue, and, uh, Julie is the handler of
17 Brutus. Brutus is one of those dogs I just
18 mentioned. And they are the two that searched the
19 area I just talked about.

20 Q Now, were you present when the K-9 handler, that
21 is, the human remains handler, Julie Cramer and
22 Brutus searched the area of Teresa Halbach's RAV
23 4?

24 A Yes, I was.

25 Q Describe your observations for the jury, please?

1 A Well, as we were going down that line of cars on the,
2 uh, south berm of that property that I had pointed
3 out, um -- Actually, prior to that, Julie had
4 explained what would happen if Brutus alerted on, uh,
5 an area that may contain human remains or blood, and
6 as they were going down that area or that, uh, line,
7 and when they reached the RAV 4, Brutus clearly, at
8 least to my observations, alerted on that -- that
9 vehicle.

10 Q And just so the jury's clear, uh, after Brutus,
11 the human remains dog, alerted on the RAV 4, uh,
12 it was at that time that the Crime Lab removed
13 the vehicle? In other words, that it was secured
14 and removed from that location; is that right?

15 A The vehicle was -- was in a secured state to begin
16 with and maintained. It was maintained in that
17 state. Um, the Crime Lab arrived just after Brutus
18 alerted on that vehicle, and the vehicle was
19 maintained there for probably another two hours, uh,
20 until we could get the resources at the scene to
21 remove the vehicle. So it was about two hours and
22 then it was removed, yes.

23 Q All right. Do you know if the vehicle was locked
24 at the scene?

25 A Yes. It was.

1 Q Are there any other exhibits up there that you
2 haven't identified yet?

3 A No, sir.

4 Q I just need to ask that every once in a while.
5 Mr. Fassbender, we're showing you what's been
6 marked for identification as Exhibit No. 28.
7 Could you tell us what that is, please?

8 A This is a photograph of the southeast portion of the
9 Avery Salvage Yard, and I think, more particularly,
10 depicting the automobile crusher, and I'll use the
11 pointer on the big screen.

12 Um, I'm pointing at that right now.
13 Large, uh, orange-ish/yellow piece of machinery.
14 Uh, you'll notice right near there is another
15 piece of machinery moving what appears to be a
16 crushed vehicle. Um, that happened when all
17 those crushed vehicles to the south of that
18 crusher were examined and moved to the north side
19 of the crusher.

20 Q If you just point to Exhibit 28 again and show us
21 where the crushed vehicles, that is, after the
22 vehicles were put in the crusher, where were they
23 stored or kept, at least temporarily, on the
24 Avery property?

25 A Pointing at the crusher right now, the -- the, uh,

1 orange-ish/yellow piece of machinery, just to the
2 right of that on the photograph, or to the south of
3 that, is where approximately 50-plus crushed vehicles
4 were located.

5 Q And if you could show the jury, please, where
6 Teresa Halbach's vehicle was discovered in
7 relation to that car crusher?

8 A Teresa's vehicle would have been up in this area on
9 the south edge of the salvage yard, on the other side
10 of the retention pond, and I'm pointing to an area
11 toward the middle right of the photograph.

12 Q Now, do you know about how far that, uh, vehicle
13 was -- that is, Teresa's vehicle -- was from the
14 car crusher?

15 A It was about 350 feet.

16 Q And at least from the intact vehicles, that is,
17 the noncrushed vehicles, was Teresa Halbach's
18 vehicle in a row or in a line of vehicles closest
19 to the car crusher? Does that question make
20 sense?

21 A Uh, Teresa Halbach's vehicle was in a line of
22 vehicles, that it was very near the car crusher and
23 it had access to the car crusher.

24 Q All right. Let's talk about the crusher, itself,
25 Exhibit No. 29. Tell us what that is, please?

1 A That's a photograph of the car crusher that we just
2 saw, which is located in that southeast, uh, corner
3 of the Avery Salvage Yard. To the, uh, left of the
4 car crusher, which I'm pointing out right now, to the
5 left of that car crusher, or the north, is, um, the
6 crushed cars. Originally, they were to the south,
7 but when we examined each and every car, crushed car,
8 they were then placed, uh, in this area to the north
9 of the car crusher.

10 Q Before we move forward, tell the jury why it was
11 that you examined and looked in, in those first
12 two days of the search, why you examined every
13 one of those crushed cars?

14 A We were looking for Teresa.

15 Q And at that point, at least on Saturday, Sunday,
16 and Monday, uh, you hadn't found her body yet; is
17 that correct?

18 A That's correct.

19 Q Before we move too far, I'm showing you Exhibit
20 32. Might give us a better perspective. Can you
21 tell us what that is, please?

22 A Again, 32 is a -- an aerial photograph, uh, showing
23 the southeast corner of the, um, Avery Salvage Yard.
24 Uh, and on the screen there's a big box in the lower
25 right-hand corner that's titled, "vehicle crusher".

1 That's where the vehicle crusher was located. And
2 then approximately 350, 60 feet to the southwest is a
3 smaller box, where I'm pointing right now, that has a
4 title "RAV 4 location", and that's where Teresa's
5 vehicle was located.

6 Q Can you point to that line of cars? You talked
7 about a line of cars that looked like it was
8 close to or waiting to be crushed? Is that a
9 fair characterization?

10 A Along the left side of the photograph, I'm pointing
11 to a line of cars, which is basically the south edge
12 of the Avery Salvage Yard, and that is right there,
13 and Teresa's vehicle was located in amongst that line
14 of cars.

15 Q You said after the crusher crushed the cars, they
16 were in a -- a crushed state. Um, I'm going to
17 show you what's been marked as Exhibit No. 30.

18 Tell us what that is, please?

19 A That is that, uh, crushed state that, uh, you just
20 mentioned. Often, uh, the way my understanding --
21 and I'm not an expert on this -- when they crush the
22 cars, uh, they would place more than one vehicle in
23 that crusher. They crushed three, four vehicles at a
24 time and make somewhat of a sandwich of, uh, several
25 vehicles. So what you're looking at there is, uh,

1 several vehicles crushed into one, um, item,
2 essentially.

3 Q All right. I'm going to ask you a bit of a
4 hypothetical, and if you don't feel that you can
5 comment or express an opinion about this, um,
6 then please tell us that, but if Teresa Halbach's
7 vehicle would have ended up in the middle of one
8 of these sandwiches, uh, would it have been
9 easily identified or located?

10 A Well, it would have been very difficult to locate.

11 Q I showed you a couple of other aerial
12 photographs, and I want to show you Exhibit No.
13 33 before going too far. It's going to give the
14 jury a little better understanding or overview of
15 the area. Can you tell us what we're looking at,
16 please?

17 A This is an aerial photograph from more of a distance.
18 Uh, right in the center of the photograph,
19 essentially, is the Avery Salvage Yard that we've
20 been talking about and showing previously.

21 Uh, to the left side of the photograph,
22 or the upper left corner, is a highway. That's
23 Highway 147. And then Avery Road right here, uh,
24 on the left side of the photograph, and going
25 toward the right, or toward the south, that's

1 Avery Road, and into the auto salvage yard.

2 To the south, or the lower side portion
3 of the au -- salvage yard, is a quarry, gravel
4 pit quarry, uh, owned by Radandt. To the south
5 of the Avery Salvage Yard that I'm pointing to
6 right now, or to the right of the Avery Salvage
7 Yard, is also a quarry owned by Radandt.

8 To the east of the salvage yard is open
9 field. To the northeast of the salvage yard is
10 another quarry owned by Michels, and to the north
11 of the Avery Salvage Yard, again, is -- is, uh,
12 open field and farm field.

13 ATTORNEY KRATZ: If I may, Your Honor, I
14 am about to shift topics into more specific
15 searches. I'm going to suggest this might be a
16 good time for our afternoon break.

17 THE COURT: Okay. Uh, we'll take a
18 15-minute break, ladies and gentlemen. Uh, just so
19 the jury knows, today we'll go until 5:00. Usually,
20 it's 4:30. There's some give and take in that
21 depending upon where the lawyers are with the
22 various witnesses. All right.

23 (Jurors out at 2:37 p.m.)

24 THE COURT: Mr. Fremgen, do you still want
25 to be heard on that objection?

1 ATTORNEY FREMGEN: Judge, my -- my
2 objection was simply --

3 THE COURT: Why -- why don't you get to
4 the microphone, please. Thank you.

5 ATTORNEY FREMGEN: On, uh, No. 13, my
6 objection was simply -- I -- I -- I don't have an
7 objection with it being used as a demonstrative aid.
8 I just don't think it should be received as evidence
9 since there was something similar to, purchased
10 later with, uh, the detective or the agent
11 afterwards to find something that looked like the
12 jeans. I -- No problem with the State's use of it
13 as a demonstrative aid. But, again, I just don't
14 think it should be received as evidence in this
15 case.

16 THE COURT: Well, my understanding is it's
17 principally being used to link up the rivets from,
18 uh -- from what was found to -- what was known to be
19 owned by the -- by the victim; is that correct?

20 ATTORNEY KRATZ: There's been no claim
21 that those are Teresa Halbach's jeans.

22 THE COURT: All right.

23 ATTORNEY KRATZ: In fact, just the
24 opposite. They're demonstrative, Judge.

25 THE COURT: Uh, uh, for that limited

1 purpose, it's going to be admitted. All right.

2 (Recess had at 2:40 p.m.)

3 (Reconvened at 3:04 p.m.)

4 THE COURT: Mr. Kratz, you may proceed.

5 ATTORNEY KRATZ: Thank you.

6 Q (By Attorney Kratz) Agent Fassbender, let's move
7 on, then, to responsibilities on the 5th of
8 November. You had mentioned earlier that a
9 search warrant was obtained and you had spoken,
10 at least to this jury, about the, um, processing,
11 recovery, and seizure of the SUV. Could you
12 describe for the jurors, please, um, what was the
13 search plan, uh, later? That is, that first day
14 on the 5th of November?

15 A Essentially, what happened after we got the search
16 warrant is we did an initial search, which sometimes
17 it's described as a, uh, protective sweep. Law
18 enforcement, when they execute a search warrant, will
19 do a sweep of the area or buildings that they are
20 going to search to see if there's any people, or
21 dangers to, uh, law enforcement or anyone else at
22 that time.

23 In this instance, we did do that. We
24 sent out teams to do protective sweeps and to do
25 an initial search immediately, uh, to see if we

1 could find Teresa. Hopefully, find her alive.

2 So we had that initial search that was
3 followed up with dog teams. Primary purpose of
4 the dogs was to go through the salvage yard and
5 through the rows of vehicles to see if they
6 alerted on anything, but the dogs were also
7 utilized, uh, in, uh, many of the residences
8 and -- and buildings to see if they would alert
9 there.

10 After those searches were done, um, we
11 go back to the command post, and we debrief, and,
12 uh, a search -- or evidence search team was put
13 together. Uh, due to resources and personnel, we
14 had one evidence search team that we utilized,
15 uh, that evening, and that search team started
16 to -- out by searching, uh, Steven Avery's
17 trailer that evening.

18 Q I'm showing you what's been marked as Exhibit No.
19 34. Tell us what we're looking at, please?

20 A That is a photograph of Steven Avery's trailer, and
21 to the left of the trailer is his unattached garage.

22 Q In the foreground, and to the right, uh, do you
23 see a burn barrel?

24 A Yes, I do. There's a burn barrel, uh, with some
25 yellow, um, police tape around it.

1 Q We're going to hear from, uh, Special Agent
2 Heimerl, I think it's tomorrow, but, uh, sometime
3 on Tues -- excuse me, on, um, Monday, the 7th,
4 were you aware that that search or -- excuse me,
5 that that, uh, burn barrel was recovered, uh,
6 processed, and found some electronic equipment
7 inside?

8 A Yes, it was, on Monday, the 7th. November 7.

9 Q Tell us what, uh, Exhibit No. 35 is, please?

10 A It's another photograph of the front of Steven
11 Avery's residence, trailer, and then, uh, Steven
12 Avery's unattached garage. You can see the LP tank
13 in the background between the garage and trailer, and
14 a, uh, pickup truck in front of the garage.

15 Q Now, this, uh, trailer of Mr. Avery had, uh, two
16 entrance doors. Is that your understanding?

17 A That -- Two primary entrance doors, yes. There was
18 also a, uh, patio door in the back.

19 Q Or the front or what would be to the front of the
20 trailer entrance doors, are those depicted in
21 Exhibit No. 36?

22 A Yes, they are.

23 Q And is that being depicted on the large screen as
24 well?

25 A Yes.

1 Q You had mentioned the back of the trailer, um,
2 had a sliding door, or an entry, uh, location.
3 Exhibit No. 37, does that show that part of the
4 trailer as well?

5 A Yes, it does.

6 Q Now, Agent Fassbender, the, um, search of the
7 residence, itself, uh, how was that performed and
8 who was that performed by? In other words, how
9 were teams developed to do the searching, uh,
10 during this, um, process?

11 A When we're searching, uh, for evidence, uh, on
12 Saturday evening, a, uh, team was put together, and
13 this team may be a little different than the initial
14 search teams, because, uh, they're searching for
15 evidence, and if they find evidence, uh, we want them
16 to be able to process, collect, uh, prepare for
17 transport of that evidence.

18 So when we put that particular team
19 together, we're looking for officers that have
20 been trained and have experience in evidence
21 processing and collection, and that's how that
22 team ultimately got put together.

23 Q You talked about a search of the, um, and a sweep
24 of the trailer and the garage. I'm showing you
25 Exhibit 38. What is that?

1 A That's, again, a -- a viewpoint of Steven Avery's
2 trailer in the background, his unattached garage in
3 the foreground with, uh, his black truck, and we
4 would be facing west taking that picture.

5 Q Just so the jury can see, I'm going to zoom in a
6 little bit closer, um, there's a -- a dog, uh, to
7 the left of the, um, exhibit. Do you see that?

8 A Yes.

9 Q Were you aware of that dog and were you aware of
10 the demeanor of that dog?

11 A Yes, I was.

12 Q Describe that for the jury, please?

13 A The -- The occasions I had to be around that dog,
14 that dog appeared to be very ag-- aggressive.
15 Pulling on its chain, leaping against the chain,
16 barking and snarling. I -- I kept my distance.

17 Q Were you made aware -- and -- and I think we've
18 heard, um, or will hear some more about this, but
19 did that dog prevent a search area of the back of
20 Steven Avery's garage at least for a couple of
21 days of your processing?

22 A Yes, it certainly did when we had the dogs there,
23 because the dogs didn't -- weren't going to go near
24 that dog because of the aggressive nature, and as
25 well as, uh, searchers going through that area,

1 steering clear of that area.

2 Q What is Exhibit No. 39?

3 A Thirty-nine is a photograph of the front of Steven
4 Avery's unattached garage with his pickup truck
5 parked in front of that.

6 Q And, again, this garage was not only swept on the
7 5th but was later, uh, searched on Sunday, the
8 6th; is that correct?

9 A That's correct.

10 Q Were you familiar, uh, Agent Fassbender, with the
11 van that Teresa Halbach took photos of on the
12 31st?

13 A Yes.

14 Q I'm showing you what's been marked as Exhibit No.
15 40 so that we can talk about that just, uh,
16 briefly. Tell us what we're looking at, please?

17 A That is the van, maroon van. I believe a Plymouth
18 Voyager that, uh, Barb Tadych had for sale that
19 Steven had arranged for Teresa to come out and take a
20 photograph of.

21 Q And that vehicle is what would be directly in
22 front of, or, perhaps, better stated, between the
23 Avery and the Janda, slash, Dassey residence; is
24 that correct?

25 A That's correct.

1 Q In fact, as we look at Exhibit No. 41, gets a
2 better perception or perspective, at least, as
3 far as Barb's trailer; is that right?

4 A Yes.

5 Q The red trailer that we had talked about, were
6 you able to determine who that trailer had
7 belonged to?

8 A Yes.

9 Q Who is that?

10 A Who lived there or who it was owned by?

11 Q Who lived there?

12 A Uh, Steven Avery.

13 Q All right. And so the jury can, uh, see photos
14 of him, Exhibit 43, is that a picture of his
15 driver's license photograph?

16 A Yes, it is.

17 Q And, I'm sorry, that was 42. And Exhibit No. 43,
18 on the 9th, after he was booked in this case, is
19 that a picture of his booking photo?

20 A Yes, it is.

21 Q On Steven Avery's property, uh, that is, uh, to
22 the rear of his garage area, uh, were you aware
23 of any tires, uh, that were located that, uh, you
24 determined were later used to fuel, uh, a large
25 fire behind Steven's garage?

1 A Yes, there was a, uh, pile of tires.

2 Q I'm showing you Exhibit No. 31. Is that a

3 photograph of those tires?

4 A Yes. And that was located on the southwest corner

5 of, um, the yard, um, associated with the residence

6 that Steven lived in.

7 Q Agent Fassbender, the, um, search -- that is, the

8 week-long search -- of the property, um, items

9 were located. That -- that's fair, isn't it?

10 A That's fair.

11 Q Were you aware of Teresa Halbach's license plates

12 being found that week?

13 A Yes.

14 Q Do you remember where those were found?

15 A Yes, I do.

16 Q Tell us where that was, please?

17 A That was on Tuesday, um, November 8, and they were

18 found in a salvaged vehicle that was located along

19 the driveway, just to the south of the driveway,

20 going down to Mr. Dassey, Mr. Avery's residences

21 along a fence line there.

22 Q Tell us who those, uh, plates were located by?

23 A Uh, they were located by William Brandes, who was a

24 volunteer firefighter, who had been teamed up in

25 search teams with law enforcement officers, uh,

1 looking for evidentiary items such as those license
2 plates.

3 Q Let me show you Exhibit No. 44, ask us if you
4 can -- tell us what that is, please?

5 A That's a photograph, uh, of the vehicle -- station
6 wagon there, that the license plates were found in.

7 Q The license plates, themselves, were they
8 photographed inside of this vehicle?

9 A Uh, yes, they were.

10 Q Who were they photographed by?

11 A Uh, Trooper Cindy Paine.

12 Q So Wisconsin State Trooper?

13 A Uh, Wisconsin State Patrol Trooper, yes.

14 Q Exhibit No. 45, tell us what that is, please?

15 A That's the photograph of the license plates placed
16 inside that vehicle, uh, taken by Trooper Paine. Um,
17 the plates had been removed because they were folded
18 in on themselves. They had to be unfolded to
19 determine what the number of the license was, and
20 then they were just placed back in there and a
21 photograph was taken.

22 Q All right. And, finally, Exhibit No. 46, tell us
23 what this depicts, please?

24 A Forty-six is basically a relation in ship picture.

25 Uh, on the left side of the photograph shows Steven

1 Avery's residence. Next to that, to the right, is
2 the Janda/Dassey residence, and, then, a little
3 further to the right, or to the west, is an arrow
4 pointing at the vehicle that the license plates were
5 found in.

6 Q So if you're looking at this particular access
7 road, could you show us, uh, how you would walk
8 or drive down this road to get towards the --
9 either the Avery residence or the Dassey
10 residence?

11 A Well, on the picture to the right here, that is
12 the -- or to the top of the picture -- is the
13 driveway or access road going down to, uh, the
14 Janda/Dassey residence and Steven Avery residence.
15 If you keep going to the right, which would be to the
16 east, you would run into Avery Road and the entrance
17 to the salvage yard, and then Avery road to the north
18 out to State Highway 147.

19 Q I've handed you what's been marked as Exhibit No.
20 47. Could you tell us what that is, please?

21 A That's a photograph of the front, or the north side
22 of, um, Mr. Dassey's residence.

23 Q And can you tell us what's in front of -- of
24 that, um, residence?

25 A Right in front of that residence, where I'm pointing

1 right now, about in the middle of the photograph is a
2 golf cart.

3 Q I'm also going to show you Exhibit No. 51. Tell
4 us what 51 is, please?

5 A That photograph depicts that same golf cart. It's
6 blue in color with a white seat on it.

7 Q Agent Fassbender, have you ever had occasion to
8 be inside of that residence?

9 A Yes.

10 Q I'm going to direct your attention, and I know
11 I'm skipping ahead just -- just briefly, but on
12 the 1st of March, um, we heard, at least in our
13 opening remarks, about a statement that was given
14 you by the defendant, Brendan Dassey? You and
15 Investigator Wiegert? Is that correct?

16 A Correct.

17 Q Later, on the 1st of March, were you given
18 permission and, in fact, did you enter the
19 residence of Barb Janda and Brendan Dassey?

20 A Yes.

21 Q And in the Janda and Dassey residence, uh, did
22 you find any, uh, items, specifically, in the
23 bedroom of Barb Janda?

24 A Yes.

25 Q I'm going to first show you what's been marked

1 Exhibit No. 49. It's shown on the large screen.
2 Tell us what we're looking at, please?

3 ATTORNEY FREMGEN: Judge, could I have a
4 sidebar, please?

5 THE COURT: Sure.

6 (Discussion off the record.)

7 Q (By Attorney Kratz) Exhibit No. 49, and what are
8 we looking at?

9 A That is the bedroom of, um, Barb Tadych, um, in her
10 residence, and showing some closet space or storage
11 space there, and on, um, the handles of some of
12 those, um, closets or storage space we found --
13 located, uh, some -- what you would call leg irons
14 and handcuffs.

15 Q I'm going to show you what has been marked as
16 Exhibit 48. These are closeups. Do you
17 recognize Exhibit 48?

18 A Yes, I do. It's a pair of the handcuffs that were,
19 uh, taken out of, um, that bedroom.

20 Q And Exhibit No. 50. Tell us what that is?

21 A That's a pair of what we'd call leg irons, also taken
22 out of that bedroom.

23 Q Now, also on the 1st, did Mr. Dassey identify for
24 you any clothing items? Specifically, items that
25 he had worn on the 31st of October?

1 A Yes.

2 Q I show you Exhibit No. 52. Tell us what that is,
3 please?

4 A That's a jacket that we located in Mr. Dassey's
5 residence. Um, I believe it had the name of Friar
6 Tuck on it or Friar Tuck's, something like that.

7 Q And what did he tell you about this jacket?

8 A That he believed that, uh, was a jacket that he had
9 worn, uh, the night of October 31, 2005.

10 Q Exhibit 53. Tell us what that is, please?

11 A That's a pair of, uh, tennis shoes or sneakers, also
12 taken out of, uh, Mr. Dassey's residence, and, again,
13 it -- they fit the description of sneakers he said he
14 was wearing that evening.

15 Q And, finally, Exhibit No. 54. Tell us what that
16 is, please?

17 A It's a pair of blue jeans that, uh, Mr. Dassey,
18 himself, um, located, or took me to in his residence,
19 um, indicating that those are the pants that he wore
20 that evening.

21 Q On the photograph, uh, appears to depict some
22 stains on them. Do you see that? And can you
23 show us that on -- on the screen?

24 A Yes. Um, white stains on the lower right-hand pocket
25 area of the blue jeans, and also on the upper, uh,

1 left-hand pocket area of the blue jeans there's some
2 white staining.

3 Q Some stains around the, uh, bottom portions or
4 around the knees as well?

5 A Yes. Spots and stains that are white.

6 Q Now, we'll get into the statements of Mr. Dassey,
7 uh, much more detail later this week, but did
8 Mr. Dassey describe for you what those stains
9 were?

10 A Yes.

11 Q What did he tell you?

12 A He said they were bleach stains.

13 Q Did he say how those bleach stains got on his
14 jeans?

15 A Yes.

16 Q How?

17 A He said that he got them on when he was helping clean
18 up the garage floor in Steven Avery's garage, and
19 that -- because they use -- utilized some bleach to
20 clean that area.

21 Q Now, the jeans, themselves, uh, has Mr. Wiegert
22 provided you with, uh -- with those?

23 A Yes.

24 Q What is that exhibit number?

25 A Exhibit 58.

1 Q Tell us what Exhibit 58 is, please?

2 A Exhibit 58 is the pair of jeans that, uh, Brendan
3 Dassey, um, took us to in his residence on
4 February 27, 2006 and consented to us taking them.

5 Q And do those jeans still appear, as you see them
6 today here in the courtroom, to have bleach
7 stains on them?

8 A Yes, they do.

9 ATTORNEY KRATZ: What are those
10 exhibits, Mr. Wiegert, 59 and 60?

11 Q (By Attorney Kratz) We're going to show you
12 Exhibits 59 and 60. Tell us what those are,
13 please?

14 A Two sets of, um, handcuffs.

15 Q Do you know where those were retrieved from or
16 where you retrieved them from?

17 A One set of the handcuffs was retrieved from
18 Mr. Dassey and, uh, Mrs. Tadych's residence, and I
19 believe another set was, um, seized from Steven
20 Avery's residence.

21 Q Exhibit No. 61 and 62 are being handed to you
22 now. What are those?

23 A Uh, two -- two sets of, um, fur lined leg irons.

24 Q Where were those seized from?

25 A I know we took two sets of leg irons out of

1 Mr. Dassey and Mrs. Tadych's residence, and we also
2 took one set of leg irons out of Steven Avery's
3 residence.

4 Q All right. Agent Fassbender, this has been, uh,
5 agreed to by the, uh -- by the defense, but, um,
6 were you able to retrace the steps of Teresa
7 Halbach? That is, uh, where she had been prior
8 to arriving at Mr., uh, Avery's property on the
9 31st of October, and approximately when? Do you
10 recall?

11 A Yes, we were able to retrace. And I didn't
12 understand or hear the rest of the question.

13 Q If you were able to tell us, first of all, the
14 two residences that afternoon, the afternoon of
15 the 31st, that Ms. Halbach had been?

16 A Yes.

17 Q Who is that?

18 A Uh, Steven Schmitz residence and a JoEllen Zipperer
19 residence.

20 Q And at the JoEllen Zipperer residence, um, did
21 law enforcement officials receive from Mrs.
22 Zipperer, specifically, that packet of, uh,
23 information, the *AutoTrader* information, given to
24 her by Ms. Halbach?

25 A Yes.

1 Q I show you what's been marked as Exhibit 55.
2 Tell us what that is, please?

3 A That's an *AutoTrader* bill of sale and Auto -- a
4 current *AutoTrader Magazine*, and a, uh, "For Sale"
5 sign.

6 Q Is it your understanding that after a transaction
7 was completed between Ms., uh, Halbach and
8 whatever customer for *AutoTrader*, that she would
9 give them a bill of sale as well as the most
10 current magazine?

11 A Yes. Same thing happened with Mr. Schmitz.

12 Q All right. And the defense has also been kind
13 enough to stipulate, which means agree, to some
14 business records. I'm showing you Exhibit 56.
15 Ask if you can tell us what those business
16 records are, please?

17 A Exhibit 6 -- 56 is a copy of Cingular, um, toll
18 records, billing, uh, for, uh, the cell phone of
19 Teresa Halbach.

20 Q Okay. And are 57 the cell phone records for
21 Cellcom? That is, for Mr. Avery's cell phone on
22 the 31st of October?

23 A I believe so, but let me confirm. Yes.

24 ATTORNEY KRATZ: And, Judge, although,
25 uh, this is, perhaps, the first time this week

1 that this kind of statement, uh, will be made,
2 but, uh, I would ask that, uh, uh, defense
3 counsel, um, agree, and indicate to the Court,
4 their acceptance and approval that the, uh,
5 business records, in this case of Cingular and
6 Cellcom, be admitted without the necessity of
7 calling a custodian of the records and without
8 objection of the defense.

9 THE COURT: Mr. Fremgen?

10 ATTORNEY FREMGEN: I believe we've
11 stipulated to that already.

12 THE COURT: That's part of the stipulation.
13 All right.

14 ATTORNEY KRATZ: Thank you.

15 Q (By Attorney Kratz) Agent Fassbender, the
16 balance of the week, that is, after the 5th of
17 November, could you describe for the jury,
18 please, the, um, uh, search efforts of this
19 property? I don't mean, specifically, what days
20 and what was searched, but, uh, just give the
21 jury, if you will, since they're not going to
22 hear day by day, um, what was searched for, uh,
23 in the Avery property and the surrounding, uh,
24 property as well?

25 A As I said before, there's approximately 15 buildings

1 on the property. All the buildings were searched by
2 search teams. Um, also on the property, each and
3 every, uh, uh, vehicle of the approximate four sev --
4 four thousand vehicles were searched.

5 Uh, additional personnel were brought in
6 to assist in those searches, to include, uh,
7 Wisconsin State Patrol. Uh, on two separate days
8 60-plus troopers were brought in just for search
9 efforts.

10 Um, anywhere from 45 to 60, uh,
11 volunteer firefighters were brought in on, uh,
12 two or three days.

13 Uh, law enforcement personnel from
14 several counties were brought in, or asked to
15 come in and help. Several police departments
16 were asked to come in and help.

17 ~~Citizen searches were done in, uh,~~
18 adjacent properties, not on the Avery Salvage
19 Yard.

20 Um, Winnebago County, for example,
21 brought their dive teams in, and, uh, they were
22 utilized in ponds. They were located in adjacent
23 properties, quarries. Some ponds were pumped
24 out, uh, to look through those, uh, for either
25 Teresa or evidentiary items.

1 Q The next area of inquiry I have, uh -- I'm sorry.
2 The next area I have for you, Agent Fassbender,
3 are the creation of, um, computer-generated
4 images on and around this property. First of
5 all, are you familiar with how these images were
6 created?

7 A Yes.

8 Q And could you start by generally describing for
9 the, uh, jury, uh, what these images are and what
10 they're meant to depict?

11 A These images were prepared by Tim Austin of the
12 Wisconsin State Patrol, who was asked to come
13 right -- to the scene right away on November 5. Uh,
14 he uses what's called a "total station, uh,
15 measuring" or "forensic mapping" uh, piece of
16 equipment. And with that, he's able to, uh, map or
17 measure a scene, uh, to scale, uh, so you have
18 accurate measurements of, uh, any particular scene.
19 In this case, a -- a large scene or a crime scene.

20 Um, they are meant to depict, uh,
21 measurements of items at the scene, uh,
22 relationships of items at the scene and -- and
23 the measurements between them.

24 Uh, he's also able to depict those or
25 produce sketches in two dimensional as well as,

1 uh, models in three dimensional, adding height --
2 a height to that, uh, sketch or that model, and
3 he's also able to, uh, render, um -- the word
4 escapes me now -- render, um, animation scenes --
5 that's what I'm thinking of -- of that same scene
6 or certain areas of that scene. And an animation
7 would be a -- a virtual tour or walk-through a
8 certain area on that scene.

9 Q Since the jury, uh, would not be and will not be
10 in this case, visiting this scene, and since
11 these images show angles or depictions that the
12 naked eye cannot, do you believe that these
13 images will assist the jury in understanding
14 relationships? That is, between relationships
15 of, uh, evidence that was not only seized but
16 also relationships of evidence, uh, to fixed
17 points within the property?

18 A Yes. Definitely.

19 Q All right. Let's show the jury -- By the way, do
20 you know about how many measurements were taken
21 by Mr. Austin?

22 A Over 4,100 measurements both manually and
23 electronically.

24 Q You talked about them being, um, accurate. Do
25 you know just how accurate these are?

1 A Well, I -- I think the greatest distance measurement
2 he had was 1,200 feet, and at that distance the
3 maximum amount of error would be less than one-half
4 inch.

5 Q Exhibit No. 63. We're going to go through these
6 very quickly. Can you tell us what we're looking
7 at, please?

8 A Sixty-three is a three-dimensional, uh, depiction of
9 the Janda/Dassey residence and the Steven Avery
10 residence in the northwest corner of the Avery
11 properties.

12 Q And if you could just take your laser pointer,
13 just show the jury, uh, what we're talking about
14 here?

15 A Again, the, um, Janda/Dassey residence, unattached
16 garage to it, the Steven Avery residence and
17 unattached garage, and the surrounding yards, and
18 that right there is the, uh, van that was for sale.

19 Q Okay. Exhibit No. 64?

20 A Um, again, 3-D rendition of essentially the same
21 section of land but from a different angle coming
22 from the north, and the, uh, Janda/Dassey residence,
23 garage, Steven Avery residence, garage, the vehicle
24 that was for sale.

25 Q Once again, these are views that are unattainable

1 by the human eye; is that correct?

2 A Yes.

3 Q Exhibit No. 65, please?

4 A It's a 3-D rendition of, uh, the Janda/Dassey
5 residence from the front, uh, looking south, and the
6 unattached garage, and the golf cart is right there.

7 Q These are not photographs, these are actual
8 computer-generated images; is that correct?

9 A Correct.

10 Q Exhibit No. 66?

11 A Another view of the Janda/Dassey residence and garage
12 from the back yard looking north now, from the south
13 looking north, um, four burn barrels in the back of
14 the, um, residence area.

15 Q Exhibit 67?

16 A Uh, another depiction of Steve Avery's residence,
17 Steven Avery's garage, the van that was for sale, and
18 then to the right side of the picture you can see
19 Steven Avery's burn barrel depicted.

20 Q Sixty-eight?

21 A A, uh, more close-up version of the depiction of
22 Steven Avery's residence, the front of the residence,
23 the deck, the, uh, entrance door to the north, and
24 then the rear entrance door to the south.

25 Q Exhibit 70?

1 A Uh, another 3-D rendition of the rear area, or to the
2 south, of Steven Avery's garage. Steven Avery's
3 garage right there, Steven Avery's residence right
4 there, and then a, uh, mound, built up mound, of dirt
5 and stone, and also a dug out portion of that mound
6 to the south of the mound, which is what we called
7 the burn area, doghouse, and the dog chain.

8 Q I'm sorry, Agent Fassbender, I misspoke. This
9 was Exhibit 69; is that correct?

10 A Exhibit 69, that's correct.

11 Q I'm sorry. And this also shows the burned out
12 van or vehicle seat in it; isn't that right?

13 A Correct. Right to the right of the darkened area,
14 which is the burn area, uh, just outside of that and
15 on the edge of the elevated dirt area is that burned,
16 uh, car seat.

17 Q All right. Now we're moving to Exhibit No. 70.
18 What is this?

19 A A different angle depicting the, uh -- the mound and
20 the burn area. The, uh, car seat, Steven Avery's
21 garage, Steven Avery's house.

22 Q Exhibit 71?

23 A 3-D, uh, rendition of, uh, the Janda/Dassey
24 residence. You would be looking from above and to
25 the east, looking west. The vehicle that was for

1 sale, I believe it was a Plymouth. Uh, the garage,
2 Steven Avery's house, and the burn area behind the
3 garage. Steven Avery's garage.

4 Q Now, Trooper Austin was also able to do interior
5 scene modeling. In other words, uh, um, rip off
6 the roof, if you will, of buildings and show you,
7 uh, a birdseye view of the inside of -- of, uh,
8 buildings; is that correct?

9 A That's correct.

10 Q I show you Exhibit No. 72. Tell us what we're
11 looking at here, please?

12 A This is where, uh, Trooper Austin made the roof, uh,
13 disappear on Steven Avery's residence, looking
14 straight down, or almost straight down, into the
15 residence to depict what the inside of the residence,
16 uh, looked like or had in it.

17 Q These included all of the rooms of the trailer?

18 A Yes.

19 Q And even to the exterior, both exterior main
20 doors, as well as the, uh, sliding glass door
21 towards the back; is that right?

22 A That's -- That's correct.

23 Q Now, some closeups, uh, as to some of those
24 rooms. Uh, one of the bedroom closeups, which
25 includes some firearms, that's Exhibit 73. Tell

1 us what we're looking at?

2 A This bedroom is the bedroom located to the rear of
3 Steven Avery's residence, or to the far south. This
4 was Steven Avery's bedroom. Um, and the firearms,
5 um, mentioned are in a gun rack on the wall, or the
6 northern wall, of that bedroom.

7 Q So that the jury understands these, um,
8 depictions, even the interior depictions, were
9 taken by detailed measurements by Trooper Austin
10 as well; is that right?

11 A That's correct.

12 Q A different view of that bedroom would be Exhibit
13 No. 74. Tell us what we're looking at, please?

14 A Same bedroom. Steven Avery's bedroom. Just a
15 different angle. Here you can see a desk in the
16 corner with a chair, and, uh, uh, a bookcase, album
17 holder, is how it's been described, along that, uh,
18 east wall of the bedroom.

19 Q And later this week we're going to hear about how
20 close Steven Avery's bedroom door is to the exit
21 door. That is, the door that goes towards the
22 garage. But could you just show us that with
23 your laser pointer?

24 A Steven Avery's -- Entrance to his bedroom right here,
25 the rear exit door/entrance door to his trailer right

1 there. Just a couple steps.

2 Q Mr. Tyson, a deputy with the Sheriff's, uh,
3 Department, tomorrow, will talk about bleach
4 being found. But can you tell us what Exhibit
5 No. 75 is?

6 A Exhibit 75 depicts the bathroom in Steven Avery's
7 trailer, which is located right next to, or to the
8 north, of his bedroom. In that bathroom area there's
9 a, uh, laundry area right up in here where this box
10 is, and a shelf. There was empty beach -- bleach
11 bottle seized off of that shelf.

12 Q The last two images, then, uh, include, uh,
13 garage images. This is Exhibit No., um, 76. Can
14 you tell us what that is, please?

15 A This is Steven Avery's garage with, um, the roof, uh,
16 disappearing and allowing us to see the inside of the
17 garage. I might add that this is more of a cleaned
18 up version of the inside of that garage. Lot of the
19 clutter -- There was much more clutter. A lot of the
20 clutter is -- is not in there.

21 Q And, finally, Exhibit No. 77. Tell us what that
22 is, please?

23 A Steven Avery's garage. Different angle. The roof
24 has been removed. The garage door is open, or
25 removed, and, um, again, the clutter not included,

1 but it is accurate, uh, rendition of the inside of
2 that garage.

3 Q Now, Evidence Tents No. 9 and 23, do you know
4 what those depict?

5 A Yes. Evidence Tent No. 9 toward the front of the
6 garage depicts where a bullet fragment, a .22 caliber
7 bullet fragment, was located in the crack in the
8 cement of the, uh -- the floor of the garage. And
9 then back here, the other evidence tent, uh, is
10 where -- 23-A is where a bullet fragment was also
11 discovered, uh, underneath a air compression in the
12 back -- air compressor in the back of that garage.

13 Q These were searches on March 1 and 2 after
14 Mr. Dassey's statement? Is that your
15 understanding?

16 A That's correct.

17 Q Agent Fassbender, you talked about an animation,
18 or that it was possible to, um, depict, or have
19 Trooper Austin depict, through animation, uh,
20 what it is that, uh, he had, um, shown in a 3-D
21 version. Have you been able to, um, view that
22 animation?

23 A Yes.

24 Q I show that to the jury at this time. Oop. I'm
25 sorry. That's the wrong animation. If you'd be

1 so kind as this plays, uh, Agent Fassbender,
2 since the jury will not get a virtual tour, or
3 will not get a tour, of the property, um, explain
4 for the jury, if you will, what they are
5 observing?

6 A Well, this would be, essentially, the aerial view of
7 Steven Avery's garage and residence. You're looking
8 west to the east, and just at the bottom of the
9 screen would be the roof to the Janda, uh, Dassey
10 residence.

11 And we're moving toward the north and
12 reducing altitude, coming around the front of the
13 Janda/Dassey residence and showing the front of
14 Steven Avery's trailer. To the right you can see
15 the van, where it was parked, uh, the van that
16 was for sale.

17 Q Use your laser pointer if you feel it's
18 necessary.

19 A The van right there. Continuing, and he -- he points
20 out the van. The front of Steven Avery's trailer.
21 To left is the garage.

22 Now, we're approaching Steven Avery's
23 trailer coming from the east headed west. You
24 can see a wraparound deck. There's also a pool
25 in the back. And that's the main entrance door

1 coming up over Steven Avery's trailer to the top
2 and looking down upon his residence.

3 The roof is gone, and now we're looking
4 into the living room of Steven Avery's trailer.
5 In the corner there's a computer desk, TV, spare
6 bedroom, bathroom, and Steven Avery's bedroom.
7 And that would be working, uh, north to south in
8 his trailer. Again, just different angles of
9 Steven Avery's bedroom.

10 Again, from an elevation looking down,
11 Steven Avery's garage, and, again, the interior
12 of the garage. There's a Suzuki Samurai parked
13 in there, and a snowmobile also placed in the
14 garage.

15 Coming around to the rear, or to the
16 south, of, uh, Steven Avery's garage is that
17 mound, built up mound, of dirt and stone I talked
18 about. The doghouse, the chain, and the dog, and
19 this dug out portion of that mound area, which
20 was the burn area, steel belts right there, the
21 car seat, burned out car seat, and a tire, which
22 were all located at the scene.

23 Just pulling away from that, toward the,
24 uh, southeast, more of a distance view of Steve's
25 garage and residence. We would be, essentially,

1 in the backyard of the, um, Janda/Dassey
2 residence right now. The four burn barrels I
3 talked about earlier, and the Janda/Dassey
4 residence. Or the Tadych, now, residence.

5 Associated with that residence were
6 these four burn barrels. You can see the
7 relationship between Steven Avery's property and
8 Mr. Dassey's property.

9 Front, or the north, of Steven
10 Avery's -- to the north of Steven Avery's trailer
11 and garage. In the forefront of the, uh,
12 rendition here is Steven Avery's burn barrel.
13 Again, the relationship between all three items,
14 the garage, the residence, and the burn barrel.

15 Q Again, those -- that was an animation, uh,
16 ~~created from those still photographs by~~
17 ~~Mr. Austin? Is that your understanding?~~

18 A That's correct.

19 (Exhibit No. 78 marked for identification.)

20 Q The last, uh --

21 ATTORNEY KRATZ: By the way, Judge, I
22 should have the record reflect that the, uh,
23 animation that has just been shown, uh, I am
24 having marked as -- at least for
25 identification -- as Exhibit No. 78.

1 THE COURT: Okay.

2 ATTORNEY KRATZ: Um, we'll be tendering
3 that as well.

4 Q (By Attorney Kratz) The last, uh, area of
5 inquiry I have for you, um, Agent Fassbender, uh,
6 is a statement from Mr. Dassey. Uh, although
7 we're not going to be discussing the, uh, March 1
8 or earlier statements in November, um, I
9 understand that you, individually, that is, you
10 alone, spoke to Mr. Dassey on February 27; is
11 that right?

12 A Myself and another DCI agent, uh, spoke with him, uh,
13 his mother, and his brother, who also present at that
14 time.

15 Q Where did that take place?

16 A At the, uh, resort motel in Mishicot, uh, later in
17 the evening. I think it was, uh, after 10:00 p.m.

18 Q All right. On the 27th of February -- By the
19 way, this was 2006; is that right?

20 A That's correct.

21 Q This was before the March 1 admissions were
22 obtained from Mr. Dassey; is that right?

23 A It was on the evening of February 27.

24 Q Would you agree that this was characterized as a
25 witness interview?

1 A Yes.

2 Q And at that time was the topic of any bleach or
3 bleach stains brought up?

4 A Yes, it was.

5 Q Describe for the jury how that came up, please?

6 A Well, I received information about Mr. Dassey having
7 some bleach stains on some jeans, and that being a
8 result of, uh, cleaning Steven Avery's garage floor.
9 Acting on that information, I went to the motel where
10 Mr. Dassey's mother and his brother were located, and
11 I inquired about that, and Mr. Dassey advised that,
12 uh, yes, he had some jeans that he was wearing that
13 evening, October 31, 2005, uh, when he was assisting
14 Steve Avery in cleaning up a garage -- Steve Avery's
15 garage floor, because it had some stains on it.

16 Uh, when asked what he thought he was
17 cleaning up, uh, and the color of those stains,
18 he described them initially as dark red, uh, but
19 he believed, um, that they were oil stains, uh,
20 from some vehicles or such.

21 Uh, upon further speaking with him, uh,
22 he described the stains as red in color, because
23 the rags or the cloths they were using to clean
24 up the stains appeared red on the cloths.

25 When asked what he used to clean up the

1 stains, he advised that they initially tried
2 gasoline. Um, that worked a little, and then
3 they used paint thinner, uh, and that may have
4 worked a little more he thought, and, then,
5 ultimately, they used bleach on the garage floor,
6 uh, to finish the cleanup.

7 He said that the rags they used to clean
8 up the substance Steven threw in the, uh, fire
9 that was going, um, behind -- in a burn area
10 behind Steven Avery's garage.

11 And, again, when asked, um, about what
12 he thought the substance was, if he thought it
13 could have been blood, and he said, yeah, he
14 thought it could have been blood, and said, when
15 asked what do you think to this date, which would
16 have been February 27, he believed it to be
17 blood.

18 Q And so the jury understands, and I know that
19 later in the week we'll hear of this, but that
20 Mar -- that, uh, February 27 statement, then,
21 caused you and Investigator Wiegert to
22 re-interview Mr. Dassey two days later on the 1st
23 of March; is that correct?

24 A That was one of the things.

25 ATTORNEY KRATZ: At this time, Judge, I

1 will move the admission of Exhibits 15 through
2 78, and have no further questions of this witness
3 at this time. Thank you.

4 THE COURT: Any objection, Counsel?

5 ATTORNEY FREMGEN: I think just as to 78,
6 there might be a second item on that that hasn't
7 been -- just that first overview that we saw?

8 ATTORNEY KRATZ: There is a second, uh,
9 animation, Judge, and if that is played, uh, that
10 will, uh, be identified and, uh, described through
11 our anthropologist, Dr. Eisenberg, later this week.
12 But I'm not offering it at this time.

13 THE COURT: You -- You're offering the part
14 of 78 that we've seen, which is the virtual tour?

15 ATTORNEY KRATZ: Just the scene model, yes,
16 Judge.

17 ATTORNEY FREMGEN: With that, no objection.

18 THE COURT: All right. They're received.
19 They'll be received then. Cross?

20 ATTORNEY EDELSTEIN: Thank you, Your
21 Honor.

22 **CROSS-EXAMINATION**

23 BY ATTORNEY EDELSTEIN:

24 Q Agent Fassbender, uh, how long have you been
25 employed with DCI?

1 A Twenty-two years about.

2 Q And prior to that, you were also a state
3 employee, uh, as -- as a trooper; is that
4 correct?

5 A For five years, yes.

6 Q Or state patrol? However you want to
7 characterize it?

8 A Correct.

9 Q Okay. Now, is it fair to say that from the
10 perspective of who's in charge of this overall
11 investigation, that became yourself as well as
12 Wiegert from Calumet County; correct?

13 A That's correct.

14 Q Prior to getting the phone call, as you indicated
15 in your direct, from your superior, you really
16 didn't have much information about this incident;
17 is that right?

18 A That's correct. Just from the media.

19 Q Now, early on, you testified that by the time you
20 arrived at the Avery property, quote, law
21 enforcement had control of the property. Is that
22 your understanding?

23 A Yes.

24 Q And what time did you get there?

25 A Sh -- shortly after 2 p.m.

1 Q And on what day?

2 A Saturday, November 5, 2005.

3 Q Now, prior to that, law enforcement didn't
4 necessarily have control of the property;
5 correct?

6 A That's correct.

7 Q In fact, there were individuals, who were
8 citizens, who were kind of traipsing around
9 there?

10 A Yes.

11 Q Okay. And they were looking for any signs
12 connected to Teresa? Is that a fair statement?

13 A To my knowledge, yes, two -- two citizens went to
14 that salvage yard to obtain permission to look
15 through it. Yes.

16 Q Okay. And, in fact, they got permission from
17 members of the Avery family; correct?

18 A Yes. Earl Avery.

19 Q Who asked you to become, as you testified, the
20 lead investigator?

21 A I believe Sheriff Jerry Pagel. Calumet County
22 Sheriff.

23 Q As you understood it, when you arrived and made
24 your way down there by the RAV 4, which I believe
25 was depicted in Exhibit No. 23, uh, no one had

1 been inside of the vehicle; correct?

2 A No. The vehicle was found in a locked condition.

3 Q So somebody tried to get in?

4 A I don't understand that. Not to my knowledge no one
5 tried to get in.

6 Q How do you know it was locked? Somebody would
7 have to check a door, would they not, to see if
8 it was locked? You testified it's locked. How
9 do you know that?

10 A Uh, one of the Sturms, with one of the citizens, that
11 went on the property to look, um, used a tissue to
12 try the door handles, yes.

13 Q Okay. So somebody did try to get in?

14 A Yes. I -- I took it to mean an apparent effort to --
15 that was physically visible. I'm sorry. I
16 misunderstood the question.

17 Q And we've seen the photographs of what the RAV 4
18 looked like when it was found. Um, who, if you
19 know, was there guarding or securing the RAV 4
20 when you showed up around two o'clock?

21 A I'm not sure who was guarding the RAV 4 at that time.
22 To my knowledge --

23 Q You indicated -- Go ahead.

24 THE COURT: Well, let him finish.

25 A My knowledge was that Calumet Cou -- or, uh,

1 Manitowoc County Deputies initially did that, and
2 then when Calumet County personnel got there, uh,
3 they took over. But I'm not sure of the exact time
4 that the Calumet County Deputy took over. I believe
5 it was somewhere around -- between two and three,
6 three-thirty.

7 Q (By Attorney Edelstein) But you don't have a
8 specific recollection of whether it was Calumet,
9 or Manitowoc, or who was standing there when you
10 got there; is that what you're telling us?

11 A That's correct.

12 Q All right. Now, you indicated that prior to
13 anything happening with the RAV 4, the lab
14 people -- And we're talking about your folks from
15 your agency from Madison were called; right?

16 A Yes.

17 Q And they showed up; correct?

18 A Correct.

19 Q And I believe you testified that the items around
20 the RAV 4, which you described as having been
21 used to conceal it, were processed; correct?

22 A Examined might be a better term. Processed.

23 Q Well, let -- let's -- Was it a visual examination
24 only, to your knowledge?

25 A That's correct.

1 Q So there were no forensic tests made at that time
2 at that location?

3 A Not to my knowledge.

4 Q Were you present from the time that you got there
5 and saw what was the secured, or should have been
6 the secured, RAV 4, until the time the vehicle
7 was physically loaded up into the enclosed
8 trailer?

9 A I was not present at the RAV 4, no. I was on scene,
10 but I was not present at the RAV 4.

11 Q All right. So if the -- if the lab personnel did
12 anything beyond a visual inspection, you weren't
13 there to see it?

14 A That's correct.

15 Q But as lead investigator, you keep up with the
16 things that the lab people do in the course of
17 the investigation?

18 A I try to, yes.

19 Q Well, that's kind of important, isn't it?

20 A Yes.

21 Q In fact, a lot of times you have the -- in
22 conjunction with others involved, the authority
23 to make specific requests of the lab for
24 processing for evidentiary items?

25 A Correct.

1 ATTORNEY EDELSTEIN: Your Honor, may I
2 approach?

3 (No verbal response.)

4 Q (By Attorney Edelstein) Agent, with respect to
5 Exhibit No. 26, you saw it paraded in here
6 earlier by two different law enforcement
7 officers; right?

8 A Yes.

9 Q And this is what you describe as the hood that
10 was laying up against the RAV 4?

11 A Yes.

12 Q And I believe you testified in response to
13 Mr. Kratz's inquiry that it was pretty heavy?

14 A Yes.

15 Q And would -- you -- in your opinion, you thought
16 it would take two people to move it?

17 A Two people to easily manage it I think is how he'd
18 asked the question. Not just move it, but how to
19 properly or easily manage it.

20 Q Okay. So you're not suggesting to this jury that
21 one person would be unable to move this about?

22 A No, I'm not.

23 Q Have you ever picked it up?

24 A Couple days ago. Last week, I believe, I tried to
25 pick it up and I can lift it.

1 Q Okay. Would it surprise you if I said I could
2 lift it?

3 A If you can get your arms around it, no, it wouldn't.

4 Q Okay. You got a little bigger wing --

5 A Yes.

6 Q -- span than I do?

7 A Yes.

8 Q All right. So you -- to the extent that one
9 individual in otherwise relatively good health
10 could move it, you wouldn't take argument with
11 that, would you?

12 A No.

13 Q Okay. You never weighed that, did you?

14 A No, I haven't.

15 Q Never asked the lab to weigh it, did you?

16 A ~~I didn't ask them to weigh it. I don't know if they~~
17 ~~did.~~

18 Q Did you ask them? I'm sorry.

19 A I did not ask them to weigh it.

20 Q But it was taken to the lab?

21 A They took it with the RAV 4. Yes.

22 Q And do you know, as part of your investigation in
23 this case, being the lead investigator, there are
24 no fingerprints on that that match Brendan
25 Dassey; correct?

1 A Correct.

2 Q You also know that there's no fluids of any type,
3 no tissue of any type, no fibers of any type,
4 that are connected to Brendan Dassey; right?

5 A Related to that hood?

6 Q Yes, sir.

7 A Correct.

8 Q Let's go back for a second here to the RAV 4.
9 When you first got there, um, it's your
10 understanding the vehicle was locked; right?

11 A Yes.

12 Q And the purpose of having all these -- these
13 people there involved in this -- And you
14 described this as -- as starting off as a, uh,
15 missing persons type case; correct?

16 A Yes.

17 Q Was there a reason why the RAV 4 was not opened
18 at that point if you're looking for someone who
19 you're hoping is still alive?

20 A Because, uh, law enforcement officers looked in the
21 windows of the RAV 4 and did not see Teresa in the
22 vehicle.

23 Q Now, during the course of your direct exam, you
24 described from the aerial photographs a line of
25 vehicles, and you testified that those were,

1 quote, cars waiting to be crushed; right? You
2 remember that?

3 A I remember that question being asked. I didn't
4 necessarily agree that they were waiting to be
5 crushed, but there's a line of vehicles along the
6 back of the property.

7 Q All right. So you don't have an opinion as to
8 what the status of any of the particular vehicles
9 of the 4,000 found on the property may have been
10 on any given date during that seven-day period of
11 time that police controlled the property?

12 A With the exception of maybe some vehicles that were
13 being prepared to be crushed, uh, like in the shop,
14 or around the shop where they're getting items
15 removed so they can be crushed, like gas tanks, or
16 whatever it has to be removed from a vehicle.

17 Q Okay. And -- and you are aware that in this type
18 of business certain items do have to be removed
19 before they would properly be placed into the
20 crusher, including things that hold fluids? For
21 example, gasoline tanks?

22 A Properly, yes.

23 Q Now, you testified, and correct me if I'm wrong,
24 in response to Mr. Kratz's hypothetical, that if
25 Teresa's vehicle had ended up, shall we say, as a

1 sandwich in between other vehicles that the --
2 that had been processed through the crusher, that
3 it would have been difficult to locate the
4 vehicle. Do you remember testifying to that?

5 A Yes, I do.

6 Q Now, you've been an officer, what, 27 years or
7 so?

8 A Correct.

9 Q Okay. And when you showed us the pictures of the
10 vehicles that had, in fact, been crushed, it's
11 fair to say that it would be relatively easy to
12 identify the color of the vehicle, would it not?

13 A Potentially, yes.

14 Q And you testi -- Well, what -- what do you mean,
15 "potentially"?

16 A When I looked at that, some vehicles you could
17 clearly see the color and others maybe you couldn't.

18 I mean --

19 Q Well, you tes --

20 A -- depends on the manner that it was crushed.

21 Q Well, you testified that with the state troopers
22 and the other volunteers, be they firemen or
23 whoever, every single vehicle, including the
24 squashed or crushed vehicles, had been examined?

25 A Yes. They took them apart, they uncrushed them, each

1 vehicle, and looked at them.

2 Q Well, did they uncrush them or did they simply
3 separate them?

4 A Separated them --

5 Q Okay.

6 A -- and opened them up. If you want to call it
7 uncrushed, if you want to say separated or opened up.

8 Q Okay. So, obviously, somebody had some equipment
9 which was capable of -- let -- let's say that
10 the -- the roof had been flattened on a vehicle.
11 Somebody had equipment to either enlarge it or
12 remove it so as to be able to have a peek inside?

13 A Equipment was brought in. I know they were using the
14 Jaws of Life on occasion to do some of that work.

15 Q Okay. In addition to, uh -- And the purpose, of
16 course, of looking inside, would be to see if
17 there's any sign of human remains; correct?

18 A Correct.

19 Q Okay. But to the extent that you testified it'd
20 be difficult to locate, assuming you were able to
21 determine a particular color, there are other
22 methods by which to determine the ex--- the
23 precise existence of a given vehicle besides the
24 color; correct?

25 A Well, certainly.

1 ATTORNEY KRATZ: Judge, I'm sorry. May I
2 interpose an objection? Is he talking about a law
3 enforcement officer with Jaws of Life or some
4 citizen searcher? If he could be more specific with
5 his questions?

6 ATTORNEY EDELSTEIN: I -- I have -- I
7 can do, that, Judge.

8 THE COURT: Okay. Go ahead.

9 Q (By Attorney Edelstein) Officers have access, if
10 you will, to information to determine the, um,
11 identity of vehicles that the general public does
12 not; correct or incorrect?

13 A Well, with the internet nowadays I don't know if
14 that's necessarily true, but to -- to run identifying
15 numbers --

16 Q Correct.

17 A -- through D.O.T., yes, we can do that.

18 Q Okay. There's areas, be it on the frame, it
19 might be different locations, that are basically
20 hidden intentionally by the manufacturer to
21 assist in vehicle indication; right?

22 A Yes.

23 Q Okay. So given that, that you have the ability
24 to identify the hidden VINS, and, uh, looking at
25 colors, and do you still stand by your assertion

1 that had this vehicle been in the middle of a --
2 a crushed sandwich, so to speak, that it would
3 have been difficult to locate?

4 A My response was just a visual observation. If
5 someone was walking by or looking at those piles of
6 cars, it would be difficult to locate. That was not
7 with the understanding that I'm going to go and
8 un-sandwich the vehicles, tear them apart and dig
9 through them.

10 Q Okay. So if it was just kind of a -- Correct me
11 if I'm wrong. As I understand your testimony,
12 you're saying if somebody simply does sort of a
13 cursory walk-through, you might miss it? It
14 might be difficult to locate?

15 A I believe it would, yes.

16 Q Okay. But if somebody takes the time to actually
17 look carefully at each of the vehicles, including
18 those that might be sandwiched, um, knowing
19 things like color and age of the vehicle, it
20 probably wouldn't have been that hard?

21 A It depends on the amount of work you put in. We
22 brought a lot of equipment in and -- and tore the
23 vehicles open and apart to do that. It took almost a
24 whole day.

25 Q Now, you testified about creating these teams,

1 uh, to do things on the 5th, uh, following the --
2 the search warrant for a protective sweep;
3 correct?

4 A Yes.

5 Q Did you decide who would be on these teams?

6 A I don't believe I was involved in the teams that went
7 out and did the -- the sweeps and the search for
8 Teresa. The initial search.

9 Q Where were you when that occurred?

10 A I was with the dog and the handler down by the RAV 4,
11 and then we continued searching along that line of
12 cars, and into an area in the Radandt pit to the
13 south of the Avery property.

14 Q Going back to, I think it's 88, the hood over
15 here, did you make any observations in the
16 immediate area of the RAV 4 to determine whether
17 or not that hood came from anywhere close to that
18 location?

19 A I did not.

20 Q To your knowledge, did anyone else?

21 A I don't know.

22 Q So you cannot tell us where, if at all, that may
23 have come from before it was propped up against
24 the RAV 4?

25 A That's correct.

1 Q And so I take it, then, you have no information
2 relative to the, uh -- whether or not there were
3 any footprints in the mud leading up to the RAV 4
4 that would have shown a path from the RAV 4 to a
5 location where the hood came from?

6 A That's assuming there's mud and, um --

7 Q Well, on -- on the day that you were there, what
8 was the condition of the ground?

9 A It was dry, at least most of the day, until the
10 torrential rains started and wiped everything out.

11 Q Is it fair to say that during the course of your
12 involvement in the investigation, nobody produced
13 any type of footprints in the junkyard area that
14 connected to the shoe prints developed off the
15 pattern of Brendan Dassey's tennis shoes?

16 A ~~There were no footwear impressions obtained.~~

17 Q ~~So the answer to my question would be?~~

18 A No.

19 Q Thank you.

20 THE COURT: Counsel, before you go on, just
21 to correct the record, I think you identified the
22 hood as Exhibit 88? And it's really Exhibit 26.

23 ATTORNEY EDELSTEIN: I'm sorry.

24 THE COURT: It's okay.

25 Q (By Attorney Edelstein) I believe you said,

1 Mr. Fassbender, that the RAV 4 was 350 feet from
2 the crushing device?

3 A About 350. I think it was a little more than that,
4 360, 367, something like that.

5 Q Is that a number that you personally arrived at
6 or is that a number you obtained from someone
7 else?

8 A I believe that's a number obtained from Trooper
9 Austin's measurements.

10 Q Okay. Do you know, did he base that measurement
11 as the crow flies, or based upon the distance one
12 might have to travel from where it was, getting
13 around a little watery depression area over by
14 the, uh, crusher?

15 A My understand as the crow flies. My understanding is
16 as the crow flies.

17 Q Okay. Well, realistically, nobody's going to go
18 in a straight line from where the RAV 4 was over
19 to that crusher in 350 feet, would they?

20 A Correct.

21 Q So you -- when we talk proximity, then, and
22 you're talking about closeness to the -- to the
23 crusher, it really was more than the 350 feet you
24 testified to? As -- as a practical matter?

25 A If I were to walk it or drive it, it would be more

1 than that.

2 Q Okay. Agent Fassbender, you testified about
3 Exhibit 60 and 59; right? You iden --

4 A Yes.

5 Q You identified them as handcuffs?

6 A Yes.

7 Q Where did 60 come from?

8 A If those were the two that were presented to me at
9 the same time, I was unsure. I said that one pair of
10 handcuffs came out of the Da -- Dassey/Janda
11 residence and one came out of Steven Avery residence,
12 I believe.

13 Q All right. It is true, however, that neither one
14 of the exhibits, be it 59 or 60, came from the
15 bedroom area where Brendan Dassey lived or slept;
16 correct?

17 A That's true.

18 Q All right. It didn't -- Neither one of them came
19 from an area that you would characterize as his
20 area? His room?

21 A Correct.

22 Q In fact, it's more accurate to say that both of
23 them came from areas that were probably
24 controlled, or appeared to be controlled, one by
25 Steve Avery, one by his mother?

1 A Yes.

2 Q When I speak of the mother, I'm talking about

3 Brendan's mother; right?

4 A Yes.

5 Q And that's how you understood the question?

6 A That's correct.

7 Q We're not talking about Steve Avery's mother?

8 A No. I understood it to be Barb Tadych.

9 Q Okay. Again, 59 and 60, whichever one came out

10 of the Avery place, whichever one came from

11 Barb's bedroom, they went to the lab; right?

12 A The ones out of, uh, the Janda/Dassey residence I

13 don't believe went to the lab. I'm --

14 Q Well --

15 A -- not positive without seeing the paperwork or

16 records.

17 Q The ones from the Avery property, they obviously

18 went to the lab?

19 A Yes.

20 Q Not one shred of physical evidence on the

21 handcuffs from the Steve Avery property

22 connecting Brendan Dassey to those handcuffs;

23 correct or incorrect?

24 A Correct.

25 Q No fingerprints?

1 A No.

2 Q No DNA?

3 A There was DNA found on one of the sets of handcuffs
4 that was male DNA, and it excluded Teresa Halbach but
5 didn't exclude Steven Avery.

6 Q Did not, in any way, shape, or form include
7 Brendan Dassey; correct?

8 A To my knowledge, no, without looking at the -- the
9 lab report.

10 Q Okay. I realize there were a lot of evidence in
11 this case, and I'm not trying to put you on the
12 spot, but we all know it's very important and the
13 jury's entitled to know; right?

14 A Correct.

15 Q Okay. If, during the course of my exam, if
16 there's something you're not sure about, you need
17 to look at your notes, by all means let us know
18 and we'll take a break and we'll take a look at
19 them. Let's talk about Exhibit 61 and 62.
20 Again, where did these come from?

21 A Are there three sets of those, uh, behind that hood?

22 Q No, sir.

23 A Just two sets of leg ir -- leg irons?

24 Q Yes, sir.

25 A Those would have come out of, uh, Ms. Tadych's

1 bedroom.

2 Q Both sets?

3 A Yes.

4 Q Okay.

5 A I had testified that one set came out of Steven
6 Avery's house, because I thought -- as they were
7 being brought up, I thought I had seen three sets.

8 Q Okay. So being like any other human, any other
9 officer, you make mistake; right?

10 A Well, there was a pair of leg irons taken out of
11 Steven's house, and just the way they were brought
12 up, I thought I had seen -- because I saw one pair,
13 and then two were brought up later, so I thought I
14 had seen three sets of leg irons.

15 Q I understand. But -- So you're attempting,
16 simply, to correct what you told Mr. Kratz on
17 direct?

18 A Yes.

19 Q Which you acknowledge to this jury was an error?

20 A Yes.

21 Q All right. And that happens because you're a
22 human; right?

23 A Correct.

24 Q Neither one of these, that being Exhibits 61 or
25 62, has any fingerprints on it that belonged to

1 Brendan Dassey; correct?

2 A Correct.

3 Q Neither one of them has any DNA evidence
4 connecting either one of these items to Brendan
5 Dassey; correct?

6 A Correct. With the caution that I'm not positive they
7 were processed. I'd have to look at the Crime Lab
8 reports to make sure.

9 Q Okay. Well, if we take a break, you'd certainly
10 do that for us, wouldn't you? And we'll revisit
11 that when we get a chance?

12 A Certainly, if you'd like.

13 Q I believe you testified about, and I can't recall
14 the, uh -- the exhibit number, but it was one of
15 the Austin depictions with the Avery garage roof
16 removed. Remember that?

17 A Yes.

18 Q And I believe you testified about two pieces or
19 two fragments of bullets that you believe were
20 located within that garage; right?

21 A Yes, sir.

22 Q Would you agree with me that the Austin depiction
23 of that particular garage, to the extent that it
24 does not include a great many items that were
25 actually physically present at the time when you

1 first got there, um, that the Austin exhibit
2 doesn't necessarily show reality?

3 A That's correct.

4 Q In fact, I think you called it a cleaned-up
5 version?

6 A Yes. There's a lot of debris that was not included
7 in that depiction.

8 Q Well, wasn't just debris, there were a lot of
9 items that were not included?

10 A By debris, items. I mean, I'm --

11 Q I -- I think of --

12 A I agree --

13 Q -- debris as something you might throw away?

14 THE COURT: One at a time. Go ahead.

15 A Items are included in my definition of debris, so,
16 yes, items, debris, pieces of machinery, property.

17 Q Exhibit 58, these are the jeans that you got from
18 Brendan after he basically showed them to you;
19 right?

20 A Yes.

21 Q Okay. You testified they appear to have bleach
22 on them; right?

23 A Correct.

24 Q Okay. These went to the lab, did they not?

25 A I believe so, yes.

1 Q No human blood on there, is there?
2 A No.
3 Q No blood of any kind on there, is there?
4 A I was advised that they had been cleaned.
5 Q Pardon me?
6 A I was advised that they had been washed.
7 Q All right.
8 A But, no, there was no blood of any kind on there.
9 Q Twenty-seven years in the business, you work
10 closely with the lab, are you telling me that the
11 fact that those jeans may have been laundered
12 once, or even twice, say, between October 31 --
13 and I think you picked him up on -- What day?
14 The 1st?
15 A March 1 --
16 Q Okay.
17 A -- '06.
18 Q Let's say they'd been laundered in between, are
19 you telling me that the lab would be incapable of
20 determining the presence of blood on those jeans?
21 A Greatly reduced, if at all possible.
22 Q I understand you're not an expert, but you've had
23 occasion to have items examined by the lab that
24 have, in fact, been laundered, haven't you?
25 A I may have. I don't have, uh, independent knowledge

1 right now, and in my instances they have not found
2 blood on those items if -- if it's occurred. I -- I
3 don't recollect ever having that happen.

4 Q Now, you talked briefly about some conversation
5 you had with Brendan, and this was up at, uh, Fox
6 Hills Resort; right?

7 A That's correct.

8 Q He stayed there and his brother stayed there, I
9 think, on the 27th?

10 A Yes. And his mother.

11 Q Okay. And who picked up the tab for that stay?

12 A That may have been, uh, the county. I'm not sure.

13 Q It was arranged, and you were well aware that it
14 was arranged, that they would be staying there,
15 and could stay there, and it wouldn't cost them
16 anything; right?

17 A Certainly.

18 Q Okay. Be it the State, Calumet County, Manitowoc
19 County, you knew the government picked up the
20 bill?

21 A Government picked -- Yes.

22 Q All right. In fact, when you went up there, it
23 was about 11:50 at night; right? I'm talking
24 about --

25 A I'm not sure.

1 Q -- Fox Hills.

2 A 10:50 or 11:50. I -- I --

3 Q Did I say --

4 A Yeah.

5 Q -- 11:50?

6 COURT REPORTER: One at a time,
7 please --

8 ATTORNEY EDELSTEIN: I'm sorry.

9 COURT REPORTER: -- if possible.

10 Q (By Attorney Edelstein) 10:50 sound better?

11 A That sounds better.

12 Q And during the course of that conversation you
13 had with Brendan, um, you're talking to him about
14 an incident where he had, um, some bleach stains
15 on his pants; right?

16 A Correct.

17 Q ~~And you got around to talking to him about what~~
18 he was doing in the garage, and you talked about
19 cleaning up some red stuff?

20 A Yes.

21 Q Okay. And the truth of the matter is,
22 Mr. Fassbender, that during the course of that
23 conversation with Brendan, the first person to
24 use the word -- or to suggest that it was blood
25 on the floor was, in fact, yourself. Does that

1 sound right?

2 A That's -- Yes, that sounds right.

3 Q All right. It wasn't Brendan who said, I thought
4 I was cleaning up blood. Right?

5 A That's correct.

6 Q You asked him, could it have been blood? And he
7 simply said, could have been. Right?

8 A After he described the color, yes.

9 Q Okay. So you asked him if it could have been
10 blood, and he said, yes, it could have been.
11 Right?

12 A Something to that effect, yes.

13 Q And then you asked him -- and we're talking about
14 February 27, '06, you gave him a question to the
15 effect that, well, what do you think it was now?

16 And we're talking about that present time.

17 February 26; right?

18 A Yes.

19 Q Okay. Um, and he said, could have been blood.

20 A He said he believed it was blood.

21 Q Okay. And those responses came after you
22 indicated that it could have been blood or you
23 thought it was blood; correct?

24 A After my question.

25 Q All right.

1 ATTORNEY EDELSTEIN: That's all.

2 THE COURT: Any redirect, Counsel?

3 ATTORNEY KRATZ: Couple of questions,
4 just so that we're clear.

5 **REDIRECT EXAMINATION**

6 BY ATTORNEY KRATZ:

7 Q Investigator Fassbender, are you -- or do you now
8 have an independent memory of how many sets of
9 leg irons and how many sets of handcuffs came
10 from the bedroom of Barb Janda on the 1st of
11 March?

12 A To the best of my memory, two sets of leg irons and
13 two sets of handcuffs.

14 Q If, uh, we would show you the evidence bags, that
15 is, the -- the actual containers in which the
16 handcuffs, uh, were placed in on the 1st of
17 March, would that tend to refresh your
18 recollection of that?

19 A Yes, it would.

20 Q I'm going to have, uh, Mr. Fallon here bring you
21 Evidence Tag 8266 and 8267. Have you take a look
22 at those and tell me if that refreshes your
23 memory?

24 A The bag, uh, with Evidence Tag No. 8266 contained one
25 pair of silver handcuffs, uh, taken from the bedroom

1 of Barb Janda at the time, Barb Tadych, now. And
2 Evidence Tag 8267 contained one pair of silver
3 handcuffs also taken from that same bedroom. Uh,
4 Barb Janda's bedroom.

5 Q So how many pairs of handcuffs did Barb have in
6 her bedroom?

7 A So two pair of handcuffs in her bedroom.

8 Q So the jury understands, and they'll hear from
9 Deputy Kucharski tomorrow, but there were
10 handcuffs and leg irons also recovered from the
11 bedroom of Steven Avery; is that right?

12 A Yes.

13 ATTORNEY KRATZ: I think that's it from
14 this witness, Judge. Thank you

15 THE COURT: All right. Uh, the witness may
16 step down. Any further witnesses?

17 ATTORNEY KRATZ: Uh, I would prefer to
18 start at, uh -- tomorrow morning, Judge, with our
19 other law enforcement, uh, witnesses, if that would
20 be okay with the Court?

21 THE COURT: All right. Tomorrow
22 morning, 8:30?

23 ATTORNEY KRATZ: Sounds good.

24 THE COURT: Uh, jurors, we're going to
25 adjourn for the day. I'm going to remind you again,

1 I'm sure this is going to get tedious listening to
2 me saying -- say this, but you can't talk about this
3 case with anybody, including fellow jurors. We'll
4 see you tomorrow morning at 8:30.

5 (Jurors out at 4:37 p.m.)

6 THE COURT: Anything further on the
7 record this afternoon, gentlemen?

8 ATTORNEY KRATZ: No.

9 ATTORNEY FREMGEN: No, Judge.

10 (Court stands adjourned at 4:38 p.m.)
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1 STATE OF WISCONSIN)
2) SS.
3 COUNTY OF MANITOWOC)

4 I, Jennifer K. Hau, Official Court
5 Reporter for Circuit Court Branch 3 and the State
6 of Wisconsin, do hereby certify that I reported
7 the foregoing matter and that the foregoing
8 transcript has been carefully prepared by me with
9 my computerized stenographic notes as taken by me
10 in machine shorthand, and by computer-assisted
11 transcription thereafter transcribed, and that it
12 is a true and correct transcript of the
13 proceedings had in said matter to the best of my
14 knowledge and ability.

15 Dated this 11th day of December 2007.

16
17
18 Jennifer K. Hau
19 Jennifer K. Hau, RPR
20 Official Court Reporter
21
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23
24
25

	1st [8] 48/8 172/12 172/17 173/23 195/22 219/14 223/10 223/16	4,100 [2] 43/17 182/22 40 [3] 32/9 33/20 167/15 40-acre [2] 49/11 142/5 41 [1] 168/1 42 [1] 168/17 43 [2] 168/14 168/17 431 [1] 99/15 44 [1] 170/3 45 [2] 170/14 180/10 46 [1] 170/22 47 [1] 171/20 470 [1] 99/16 48 [3] 145/9 173/16 173/17 49 [2] 173/1 173/7 4:30 [1] 160/20 4:37 p.m [1] 225/5 4:38 [1] 225/10 4th [4] 48/13 113/18 114/9 114/17
'02 [1] 104/15 '05 [1] 106/12 '06 [2] 219/17 222/14 '85 [1] 31/10 '85 case [1] 31/10	2 20 [5] 3/3 47/22 83/15 143/24 144/3 2003 [1] 31/3 2004 [1] 119/13 2005 [18] 28/24 29/7 29/9 29/16 40/11 82/21 108/5 109/11 109/16 110/21 111/4 120/15 122/14 134/4 134/6 174/9 194/13 198/2 2006 [2] 176/4 193/19 2007 [2] 1/10 226/15 21 [2] 146/8 147/1 21-82 [1] 3/5 22 [1] 147/9 223 [1] 3/16 223-224 [1] 3/17 224 [1] 3/17 23 [8] 71/23 72/8 72/11 72/12 146/25 147/24 189/3 198/25 23-A [1] 189/10 24 [3] 148/25 150/21 151/2 25 [3] 28/24 150/12 150/13 25-year-old [4] 29/12 63/14 66/23 82/12 26 [5] 149/22 149/24 202/5 211/22 222/17 27 [10] 55/16 56/7 153/10 176/4 193/10 193/23 195/16 195/20 206/6 222/14 27th [2] 193/18 220/9 28 [2] 155/6 155/20 29 [1] 156/25 2:00 [3] 38/20 46/21 48/24 2:27 [2] 47/19 47/21 2:27 p.m [1] 47/10 2:30 [1] 47/1 2:37 p.m [1] 160/23 2:40 [4] 47/21 48/5 55/7 162/2 2d [2] 99/15 99/16 2nd [1] 48/8	5 5-20 [1] 3/3 50 [1] 173/20 50-plus [1] 156/3 51 [2] 172/3 172/4 52 [1] 174/2 53 [1] 174/10 54 [1] 174/15 55 [1] 178/1 56 [2] 178/14 178/17 57 [1] 178/20 58 [4] 175/25 176/1 176/2 218/17 59 [5] 176/10 176/12 213/3 213/14 214/9 5:00 [1] 160/19 5:00 his [1] 83/12 5:30 [1] 83/15 5:30 to [1] 83/19 5:45 Blaine's [1] 83/23 5th [11] 34/7 48/23 115/9 116/1 145/19 146/16 162/7 162/14 167/7 179/16 210/1
.22 [7] 37/23 67/1 72/23 72/25 73/6 73/8 189/6 .22 caliber [4] 72/23 72/25 73/6 189/6	3 3-D [5] 183/20 184/4 185/1 185/23 189/20 30 [4] 108/5 110/21 111/4 158/17 30th [6] 108/9 109/1 120/14 120/15 131/6 131/17 31 [12] 46/6 76/5 76/10 80/22 82/21 86/11 108/10 119/19 169/2 174/9 194/13 219/12 31st [25] 30/6 46/4 46/7 52/11 65/1 71/2 75/9 79/16 80/25 106/12 109/4 109/11 109/15 112/15 112/25 113/5 113/7 113/10 113/14 127/25 167/12 173/25 177/9 177/15 178/22 32 [2] 157/20 157/22 33 [1] 159/13 34 [1] 163/19 35 [1] 164/9 350 [4] 156/15 158/2 212/1 212/3 350 feet [2] 212/19 212/23 36 [1] 164/21 360 [1] 212/4 367 [1] 212/4 37 [1] 165/3 38 [1] 165/25 39 [1] 167/2 3:04 [1] 162/3 3:27 [1] 47/20 3:40 [1] 47/21 3:45 [1] 55/9 3:45 from [1] 82/22 3rd [7] 29/16 48/9 111/10 112/7 112/13 113/17 114/8	6 60 [8] 158/2 176/10 176/12 180/10 213/3 213/7 213/14 214/9 60-plus [1] 180/8 61 [3] 176/21 215/19 216/24 62 [3] 176/21 215/19 216/25 63 [1] 183/5 64 [1] 183/19 65 [1] 184/3 66 [1] 184/10 67 [1] 184/15 69 [2] 185/9 185/10 6th [4] 37/16 37/16 72/21 167/8
0 06 [2] 1/5 4/3 1 1,200 [1] 183/2 1-10 [1] 3/19 10 [5] 3/19 53/18 86/7 119/10 120/19 100 percent [2] 45/20 72/16 102-122 [1] 3/9 10:00 on [1] 120/14 10:00 p.m [1] 193/17 10:13 [1] 53/25 10:30 [2] 34/6 48/23 10:32 [1] 54/1 10:50 [2] 221/2 221/10 10th [1] 50/3 11 [6] 3/20 72/22 107/10 125/7 132/17 142/7 110 [1] 99/15 11:30 [1] 142/11 11:40 [1] 98/10 11:40 a.m [1] 98/4 11:43 [1] 46/16 11:50 [2] 221/2 221/5 11:50 at [1] 220/23 11th [1] 50/8 12 [9] 3/21 10/6 14/14 17/19 130/4 130/7 130/12 132/18 142/11 120 [1] 3/19 122 [3] 3/9 3/10 3/19 123-132 [1] 3/12 13 [12] 3/22 91/12 99/2 100/15 100/16 100/22 101/9 127/7 127/10 127/18 132/15 161/5 132 [8] 3/12 3/20 3/20 3/21 3/21 3/22 3/23 3/23 133-196 [1] 3/15 14 [7] 3/23 129/7 129/10 132/8 132/9 132/10 132/18 147 [5] 143/21 143/22 144/2 159/23 171/18 15 [9] 53/24 84/10 119/13 123/17 136/20 136/21 137/4 179/25 196/1 15-77 [1] 3/24 15-minute [2] 53/19 160/18 16 [2] 1/10 139/8 16-year-old [3] 90/12 90/13 93/12 161 [1] 3/22 162 [1] 3/22 17 [1] 140/1 18 [2] 141/8 141/9 180 [2] 44/16 44/16 181 [1] 99/16 19 [2] 142/21 142/23 192 [1] 3/25 196 [5] 3/15 3/24 3/24 3/25 3/25 196-223 [1] 3/16 1985 [2] 31/4 31/14 1999 [3] 146/2 146/11 149/1 1:00 [1] 98/11 1:07 [1] 102/10 1:30 [1] 46/25	4 4,000 [3] 37/8 143/15 205/9	7 70 [2] 184/25 185/17 71 [1] 185/22 72 [1] 186/10 73 [1] 186/25 74 [1] 187/13 75 [2] 188/5 188/6 76 [1] 188/13 77 [2] 3/24 188/21 78 [6] 3/25 192/19 192/25 196/2 196/5 196/14 7:30 and [1] 75/10 7:45 in [1] 75/10 7th [5] 38/23 39/16 49/7 164/3 164/8 8 82 [1] 3/5 82-97 [1] 3/6 8266 [2] 223/21 223/24

8	214/7 215/16 215/19 217/13 217/18 220/4 220/23 220/24 221/13 221/17 221/18 222/13 222/16 225/2 above [1] 185/24 absolutely [7] 44/22 76/16 77/6 77/14 81/9 81/10 147/6 accept [1] 28/20 acceptance [3] 59/5 61/4 179/4 access [5] 83/1 156/23 171/6 171/13 208/9 accesses [1] 83/2 accident [3] 114/21 114/23 115/18 accompaniment [1] 152/13 accomplice [1] 81/16 accountability [1] 82/14 accurate [7] 44/6 92/5 181/18 182/24 182/25 189/1 213/22 accusation [1] 58/9 achieved [1] 31/2 acknowledge [1] 216/19 acre [2] 49/11 142/5 acres [2] 32/10 33/21 act [11] 11/16 11/17 11/21 11/23 11/24 11/25 19/3 20/4 57/22 60/3 60/4 acted [4] 11/5 11/14 15/13 15/15 acting [4] 9/10 13/20 16/24 194/9 actively [8] 48/25 51/23 52/5 52/10 69/3 80/5 82/9 144/21 actor [1] 28/10 acts [3] 11/3 12/3 15/19 actual [2] 184/7 223/15 actually [20] 18/18 34/11 36/3 37/25 51/10 51/24 65/3 73/22 75/7 77/1 79/2 79/5 79/21 87/3 116/2 136/25 148/5 154/3 209/16 217/25 add [1] 188/17 adding [1] 182/1 addition [1] 207/15 additional [1] 180/5 address [1] 23/17 addressed [1] 102/4 adjacent [3] 34/20 180/18 180/22 adjourn [2] 97/24 224/25 adjourned [1] 225/10 admissible [1] 7/5 admission [7] 7/4 58/11 59/4 60/5 63/1 132/4 196/1 admissions [11] 56/1 58/16 58/16 58/17 59/10 60/18 61/15 81/13 101/9 120/19 193/21 admit [2] 58/1 61/1 admitted [3] 3/18 162/1 179/6 adopt [1] 28/21 ads [1] 29/22 adult [3] 42/23 90/20 90/23 adults [1] 95/7 advance [1] 102/2 advanced [1] 38/8 advised [4] 194/11 195/1 219/4 219/6 aerial [9] 33/9 48/15 115/2 136/21 157/22 159/11 159/17 190/6 204/24 affairs [1] 20/5 affect [1] 5/10 affirmatively [1] 87/25 afoot [1] 39/19 after [63] 7/23 7/25 35/9 35/14 38/20 45/16 45/17 46/21 48/5 53/10 54/24 54/24 55/10 55/10 66/6 70/4 70/4 72/5 78/24 79/13 83/15 84/3 85/6 85/19 86/22 87/1 88/11 88/12 97/14 100/8 104/19 105/1 109/2 111/11 116/25 120/13 120/14 125/17 126/20 131/17 134/19 135/21 136/14 144/15 144/20 146/16 151/3 154/10 154/17 155/21 158/15 162/15 163/10 168/18 178/6 179/16 189/13 193/17	197/25 218/18 222/8 222/21 222/24 afternoon [13] 46/15 47/22 48/5 98/17 101/4 101/25 102/21 113/14 134/20 160/16 177/14 177/14 225/7 afterwards [1] 161/11 ag [1] 166/14 again [57] 25/4 27/3 28/17 34/19 36/5 36/8 37/2 37/18 38/21 38/24 40/1 41/5 41/6 46/1 50/17 51/18 58/4 59/25 64/3 66/8 66/15 70/19 72/25 77/17 78/2 84/11 86/1 90/10 101/12 119/21 140/13 144/20 148/2 149/2 149/11 149/18 150/16 155/20 157/22 160/11 161/13 166/1 167/6 174/12 183/15 183/20 183/25 188/25 191/8 191/10 191/11 192/13 192/15 195/11 214/9 215/20 224/25 against [14] 5/9 30/20 30/21 34/5 57/22 97/5 147/16 148/8 148/15 149/18 149/25 166/15 202/10 210/23 age [4] 5/10 124/16 125/25 209/19 agencies [1] 113/19 agency [1] 200/15 agent [24] 36/17 90/21 133/19 136/11 144/7 149/20 161/10 162/6 164/1 165/6 167/10 169/7 172/7 177/4 179/15 181/2 185/8 189/17 190/1 193/5 193/12 196/24 202/4 213/2 aggressive [2] 166/14 166/24 ago [3] 129/14 130/14 202/24 agree [16] 4/21 10/6 14/14 17/19 28/18 28/18 89/20 91/17 94/4 144/17 178/13 179/3 193/24 205/4 217/22 218/12 agreed [4] 6/24 22/6 88/19 177/5 ahead [9] 29/5 35/12 82/20 112/19 142/3 172/11 199/23 208/8 218/14 aid [9] 9/16 12/11 14/1 17/6 27/20 28/4 28/12 161/7 161/13 aided [12] 10/4 10/9 10/25 11/7 12/23 14/12 14/17 15/8 16/1 16/2 17/17 17/21 aiding [5] 9/2 13/13 15/12 16/17 28/1 aids [6] 9/5 9/9 13/15 13/18 16/19 16/23 air [3] 129/9 189/11 189/12 airplane [1] 115/2 AI [2] 138/10 141/23 album [1] 187/16 alert [4] 153/3 153/4 153/5 163/8 alerted [5] 154/4 154/8 154/11 154/18 163/6 alerting [1] 35/21 alive [5] 36/23 36/24 76/7 163/1 204/19 all [169] 4/9 5/2 5/13 8/6 10/6 12/3 12/4 12/17 14/14 15/19 15/20 17/19 18/22 21/2 21/9 23/3 23/11 25/23 26/17 26/25 27/5 27/14 28/12 29/7 31/24 32/1 32/7 32/19 32/22 33/15 36/4 36/13 37/1 37/7 37/14 40/12 42/11 42/18 43/6 44/10 44/25 45/3 45/3 49/11 53/2 53/5 59/6 59/22 59/25 60/9 60/12 60/19 61/4 62/15 62/16 62/17 63/14 65/12 66/11 69/25 70/20 70/21 70/24 72/25 73/9 73/12 74/5 75/4 80/9 80/15 82/6 82/17 88/20 96/4 96/13 96/13 96/19 97/10 97/15 97/23 97/23 98/2 98/5 99/4 99/5 99/6 102/7 103/12 104/12 105/6 105/21 106/11 106/19 107/18 107/24 107/25 108/25 112/24 114/8 114/25 115/16 116/8 116/14 116/19 117/7 117/9 117/15 118/7 119/19 120/8 122/2 122/4 122/8 124/7 124/11 124/12 125/16 129/24 131/5 131/11 132/2 133/1 137/11 139/2 143/17 147/8 148/19 149/7 154/23 155/16 156/24 159/3 160/22 161/22 162/1 168/13 170/22 177/4 177/13 178/12 179/13 180/1 181/5 182/19 185/17 186/17 191/22 192/13 193/18 196/18 200/12 201/11 203/8 204/12 205/7 210/22 213/13 213/18 215/12 215/17 216/21 219/7 219/21 220/22 222/3
9		
9-0-8-0-1 [1] 101/10 911 [1] 82/7 939.05 [3] 8/19 13/4 16/9 940.01 [1] 10/15 940.11 [1] 14/23 940.225 [1] 18/3 97 [1] 3/6 9:07 [1] 4/1 9:30 [1] 86/6 9s [1] 42/3 9th [6] 49/20 49/22 49/24 52/6 118/5 168/18		
A		
a.m [7] 4/1 29/8 53/25 54/1 98/4 98/10 142/7 A310 [2] 80/19 118/18 ab [1] 16/18 abandoned [1] 137/22 abet [7] 9/16 13/19 14/1 17/6 27/20 28/4 28/12 abets [6] 9/5 9/9 13/15 13/19 16/20 16/23 abetted [11] 10/4 10/9 10/25 11/7 12/23 14/12 14/17 15/8 16/2 17/18 17/22 abetting [5] 9/3 13/13 15/12 16/18 28/1 abilities [1] 90/14 ability [7] 62/4 93/13 93/13 103/8 103/9 208/23 226/14 able [46] 20/25 23/8 23/9 36/11 37/10 38/19 38/22 41/8 41/25 42/5 42/22 43/5 43/23 43/24 44/3 45/1 53/1 54/8 54/16 60/14 75/22 76/9 80/4 81/5 96/16 105/18 112/12 112/16 113/3 113/4 117/9 126/25 127/23 136/15 165/16 168/6 177/6 177/11 177/13 181/16 181/24 182/3 186/4 189/21 207/12 207/20 about [205] 7/10 15/18 22/3 22/12 22/12 23/13 23/23 27/5 27/15 29/8 29/25 30/3 30/19 30/21 31/1 31/1 32/9 33/13 34/15 37/24 38/4 39/23 40/11 40/12 42/19 43/9 44/13 44/14 44/25 46/5 46/22 46/25 47/15 47/16 47/21 47/21 48/19 48/24 49/3 49/6 49/13 49/15 49/23 50/6 50/21 51/3 51/10 52/4 52/19 53/4 53/11 55/7 56/25 57/5 57/14 57/15 57/16 58/7 58/12 58/18 58/21 58/24 59/17 60/6 60/25 60/25 61/2 61/5 61/10 61/12 61/14 62/8 62/8 62/11 63/1 64/4 64/10 64/14 65/6 65/16 66/2 66/17 68/13 74/18 75/3 75/11 75/17 75/19 78/8 78/11 79/7 79/12 80/2 82/22 83/3 83/5 83/12 83/15 83/18 83/23 83/25 84/5 84/10 84/17 85/2 85/16 85/19 86/6 87/21 89/18 89/23 89/24 89/25 90/1 90/4 90/11 90/12 90/15 90/17 96/6 100/22 101/12 103/20 103/22 104/12 106/10 108/8 108/20 108/25 109/22 109/23 111/17 117/19 120/4 121/9 122/19 126/1 127/1 128/12 128/15 129/19 134/16 138/16 139/16 141/8 142/2 144/12 144/13 144/16 147/13 147/19 148/12 153/4 153/19 154/21 156/12 156/15 156/24 158/7 159/5 159/20 160/14 162/10 165/23 166/18 167/15 168/5 172/1 172/13 174/7 182/20 182/24 183/13 187/19 188/3 189/17 191/18 192/3 194/6 194/11 195/11 197/1 197/16 200/14 202/21 208/2 209/25 212/3 212/22 213/2 214/2		

A		
all... [4] 222/25 223/1 224/15 224/21	210/15 211/3 211/13 215/6 216/8 216/8	185/13 185/14 185/15 185/20 186/2 188/8
allegations [1] 97/5	216/25 217/3 219/3 219/8 223/2 224/16	188/9 191/19 191/20 193/4 195/9 210/12
Allen [1] 32/25	anybody [2] 116/10 225/3	210/16 211/13 212/13 213/15 213/19 213/20
allow [4] 53/9 58/20 88/12 100/6	anyone [3] 5/16 162/21 210/20	areas [10] 43/21 101/22 105/7 115/16
allowed [1] 45/11	anything [15] 6/13 98/21 100/21 109/18	117/23 139/7 140/6 182/6 208/18 213/23
allowing [3] 7/7 58/23 188/16	122/18 125/4 125/23 128/6 134/21 145/12	aren't [3] 45/24 58/5 81/3
alluded [2] 30/19 91/2	163/6 200/13 201/12 220/16 225/6	argue [1] 91/7
almost [3] 35/2 186/14 209/23	anytime [2] 11/23 120/13	argument [3] 87/1 100/4 203/10
alone [4] 69/12 87/2 90/25 193/10	anywhere [3] 101/18 180/10 210/17	arguments [3] 5/21 7/15 87/19
along [12] 115/16 137/23 140/11 145/6	apart [3] 206/25 209/8 209/23	arises [1] 20/8
152/12 153/8 158/10 169/18 169/21 187/17	apartment [2] 119/22 126/21	arising [1] 19/25
205/5 210/11	apologize [3] 46/2 82/19 121/11	arm [1] 75/24
alongside [1] 114/20	apparent [1] 199/14	arms [1] 203/3
already [21] 21/24 24/3 30/24 41/25 59/22	appealing [1] 93/15	around [32] 22/13 29/23 64/25 84/17 84/19
59/25 60/9 60/17 60/19 65/15 69/24 69/25	appeals [1] 93/9	85/2 111/19 128/19 128/25 129/3 136/23
70/1 75/18 78/21 88/14 91/1 104/19 141/6	appear [4] 4/12 147/4 176/5 218/21	139/1 140/5 149/2 150/24 152/17 152/25
151/14 179/11	APPEARANCES [2] 1/12 4/4	163/25 166/13 175/3 175/4 181/4 190/12
als [1] 110/6	appeared [4] 1/24 166/14 194/24 213/24	191/15 198/8 199/20 200/5 200/19 203/3
also [76] 4/6 13/3 16/8 22/20 29/6 32/18 33/4	appearing [2] 4/7 4/9	205/14 212/13 221/17
33/8 35/8 37/6 37/15 39/22 40/7 42/17 43/21	appears [5] 4/5 147/1 150/18 155/15 174/21	arranged [3] 167/19 220/13 220/14
44/10 46/10 48/19 49/23 50/24 51/25 56/2	applying [1] 144/22	arrested [2] 49/21 49/21
57/9 60/6 63/7 64/13 75/5 75/20 76/25 79/24	appointment [4] 30/15 38/10 106/4 113/13	arrival [5] 134/22 135/21 136/14 145/21
91/24 95/9 96/10 103/6 105/4 105/13 105/22	appointments [2] 115/15 119/17	146/22
110/6 110/22 114/20 115/1 119/3 119/10	appreciable [1] 11/19	arrive [1] 144/13
135/14 137/15 139/22 140/11 147/22 149/4	appreciate [2] 37/10 134/3	arrived [9] 134/18 134/23 140/17 142/8
150/11 151/14 160/7 163/6 164/18 172/3	apprehension [1] 15/1	146/21 154/17 197/20 198/23 212/5
173/21 173/23 174/11 174/25 177/1 178/12	approach [2] 97/20 202/2	arrives [1] 98/20
180/2 181/24 182/3 182/16 185/5 185/11	approaching [2] 64/4 190/22	arriving [1] 177/8
186/4 189/10 190/24 191/13 193/13 197/2	appropriate [1] 100/25	arrow [1] 171/3
204/2 224/3 224/10	appropriately [2] 100/17 150/9	arson [1] 41/15
although [7] 8/22 13/8 16/12 44/23 137/1	approval [1] 179/4	articles [1] 125/22
178/24 193/6	approximate [1] 180/3	as [231]
altitude [1] 190/12	approximately [7] 142/7 142/11 143/15	ask [28] 4/14 8/4 54/18 54/19 57/2 57/3
altogether [1] 107/22	156/3 158/2 177/9 179/25	69/23 70/19 70/21 89/6 93/5 93/8 100/5
always [6] 46/11 58/12 86/19 107/15 108/2	APRIL [2] 1/10 77/17	102/1 110/24 111/16 117/22 118/14 130/4
109/25	April 3 [1] 77/17	151/4 155/4 159/3 170/3 178/15 179/2
am [5] 23/17 23/22 124/18 160/14 192/23	are [148] 5/3 6/14 7/3 7/11 7/13 12/25 15/23	203/16 203/18 203/19
among [1] 5/15	16/4 18/21 18/24 19/5 20/15 20/15 20/23	asked [31] 7/3 40/10 44/17 46/9 48/2 93/17
amongst [3] 98/2 98/2 158/13	21/6 21/20 22/14 22/16 23/15 23/21 24/16	94/11 111/24 116/10 116/19 116/25 117/12
amount [4] 39/14 44/21 183/3 209/21	24/25 26/3 32/2 33/7 33/8 34/11 35/9 35/10	120/2 126/20 131/16 134/12 136/8 180/14
analyst [4] 31/11 31/12 31/18 31/23	35/10 35/16 35/18 36/13 36/18 40/1 40/22	180/16 181/12 194/16 194/25 195/11 195/15
angle [4] 183/21 185/19 187/15 188/23	43/5 43/7 44/6 47/23 48/14 49/12 49/17	198/19 202/18 203/15 205/3 222/6 222/9
angles [2] 182/11 191/8	50/15 54/19 56/14 57/11 58/3 58/3 58/5	222/13
animation [9] 182/4 182/6 189/17 189/19	59/10 63/9 64/24 66/8 69/9 71/6 71/22 71/22	asking [8] 57/16 62/3 82/15 93/4 93/14
189/22 189/25 192/15 192/23 196/9	71/25 72/10 74/2 74/4 74/6 74/11 74/19	96/20 101/12 101/14
another [40] 9/10 9/18 10/17 10/18 11/1	75/21 78/12 78/17 79/2 79/10 79/18 80/9	asks [5] 65/7 84/7 84/11 85/7 85/25
11/7 11/10 11/12 13/21 14/3 15/9 15/12 16/2	80/20 81/17 87/6 87/8 91/25 92/3 92/6 92/7	assault [12] 16/7 16/16 17/7 17/10 17/13
16/2 16/25 17/8 18/5 24/7 32/24 40/4 44/10	92/9 92/24 93/17 94/3 94/11 94/19 94/25	17/17 17/21 18/2 18/23 27/11 31/5 53/17
96/2 96/9 129/5 130/1 135/9 138/17 141/19	95/1 95/2 101/11 101/22 123/16 123/25	assertion [1] 208/25
148/25 150/9 150/13 154/19 155/14 160/10	126/8 127/19 127/21 127/22 128/1 128/14	assigned [1] 24/18
164/10 176/19 184/11 184/16 185/1 193/12	132/20 133/22 133/24 139/1 139/3 140/5	assist [19] 8/10 9/14 9/15 9/21 13/24 13/25
answer [6] 54/19 93/19 93/20 94/13 112/2	143/10 148/20 148/23 153/14 153/18 155/1	14/5 17/3 17/5 17/11 22/17 28/10 116/20
211/17	160/21 161/21 162/19 164/20 164/22 173/7	117/10 136/7 149/15 180/6 182/13 208/21
answered [1] 144/12	173/16 174/19 175/5 176/9 176/12 176/21	assistance [7] 42/3 113/3 119/2 134/13 136/1
answering [1] 46/19	176/22 178/16 178/20 181/3 181/5 181/9	136/6 150/3
answers [3] 64/21 70/24 93/16	181/20 182/25 183/25 183/25 184/7 184/7	assistant [2] 24/4 24/10
anthropologist [3] 42/19 73/17 196/11	187/5 190/4 203/23 204/4 205/17 207/21	assisted [2] 24/22 226/10
anthropologists [1] 75/21	208/19 215/21 218/15 218/17 219/10 219/18	assisting [2] 24/1 194/13
anticipated [1] 98/19	223/7	assists [5] 9/12 13/22 17/2 28/5 42/9
anticipatory [1] 100/18	area [109] 39/6 39/15 41/3 41/9 41/12 41/19	associated [4] 138/7 141/21 169/5 192/5
anxious [1] 87/11	41/19 42/1 42/5 42/8 42/8 42/11 43/3 43/4	assuming [2] 207/20 211/6
any [76] 5/8 5/9 6/1 6/2 6/23 7/6 7/10 11/15	43/7 43/20 44/4 49/18 50/3 50/11 51/8 51/23	assure [1] 21/10
11/19 12/4 15/20 19/19 39/8 42/4 45/18	51/25 67/8 68/13 74/22 74/23 74/25 75/4	attempt [2] 100/25 148/3
54/25 55/14 57/21 65/13 66/10 66/10 82/19	76/9 76/12 76/23 79/24 84/23 85/10 85/12	attempted [1] 150/4
90/6 100/2 100/5 100/22 101/18 101/25	85/18 106/2 106/3 115/13 135/7 138/6 138/8	attempting [1] 216/15
102/3 105/7 105/10 113/12 113/18 113/20	138/18 138/25 139/2 139/4 140/8 140/14	attempts [1] 97/4
116/16 120/20 122/6 122/25 125/1 125/22	140/18 140/22 140/23 141/2 141/5 141/18	attendance [1] 108/14
132/13 135/21 135/22 143/19 145/18 149/20	141/21 141/22 141/22 142/15 143/3 143/4	attention [5] 8/6 23/4 23/4 108/4 172/10
151/1 151/24 152/16 155/1 162/20 168/23	143/11 144/4 148/16 150/9 152/24 152/24	attorney [74] 1/20 1/22 3/5 3/6 3/9 3/10 3/12
172/22 173/24 181/18 194/2 196/4 198/11	153/1 153/8 153/19 153/22 154/5 154/6	3/15 3/16 3/17 4/5 4/6 4/11 4/11 4/12 4/24
204/2 204/3 204/3 205/8 205/10 207/17	156/8 156/10 157/8 159/15 162/19 166/19	5/1 21/3 23/18 24/4 24/10 53/21 54/2 82/18
	166/25 167/1 168/22 174/25 175/1 175/20	86/23 97/20 98/6 98/16 98/24 100/3 100/20
	181/1 181/2 182/8 184/14 185/1 185/7	101/15 102/11 120/21 120/24 121/2 121/3

A	awhile [1] 86/5	because [44] 8/7 25/15 25/16 26/23 28/15 30/3 31/8 31/9 31/21 32/1 36/9 42/6 43/23 43/24 45/25 53/3 55/4 56/18 63/7 86/1 94/25 99/11 99/22 103/10 107/21 108/20 109/24 109/25 110/5 121/16 130/21 138/24 151/4 165/14 166/23 166/24 170/17 175/19 194/15 194/22 204/20 216/6 216/12 216/21
attorney... [37] 121/9 121/11 121/13 122/3 122/10 123/3 132/8 132/17 133/16 160/13 161/20 161/23 162/5 162/6 173/7 176/9 176/11 178/24 179/10 179/15 192/21 193/2 193/4 195/25 196/20 200/7 202/1 202/4 208/6 208/9 211/25 221/8 221/10 223/3 223/6 224/13	B	become [8] 48/9 48/25 49/10 58/19 136/12 144/17 144/21 198/19
attorneys [2] 7/1 89/6	b1 [1] 101/10	becomes [5] 49/7 49/20 55/20 57/1 71/15
au [2] 138/4 160/3	back [52] 35/22 35/23 38/14 39/5 39/8 39/14 48/6 51/9 52/13 53/22 64/23 65/5 65/5 67/8 67/16 68/19 71/24 74/14 74/24 75/15 76/2 76/11 85/19 86/6 93/19 97/25 114/2 114/23 117/12 121/6 121/23 125/14 128/8 137/23 147/2 147/15 150/20 163/11 164/18 165/1 166/19 170/20 184/12 184/13 186/21 189/9 189/12 189/12 190/25 204/8 205/6 210/14	bed [3] 65/5 65/22 86/8
audio [2] 82/19 91/10	backed [1] 152/9	bedroom [44] 38/3 40/16 49/17 50/5 64/24 65/5 65/9 65/21 66/18 68/23 71/12 71/12 78/20 78/22 90/2 172/23 173/9 173/19 173/22 186/24 187/2 187/2 187/4 187/6 187/12 187/14 187/14 187/18 187/20 187/24 188/8 191/6 191/6 191/9 213/15 214/11 216/1 223/10 223/25 224/3 224/4 224/6 224/7 224/11
August [1] 110/21	background [4] 22/9 104/13 164/13 166/2	been [102] 6/5 18/23 21/11 24/18 26/14 27/9 36/21 45/5 46/10 48/2 51/10 54/2 55/11 55/15 65/8 67/7 86/21 102/14 103/23 105/17 106/24 109/13 110/14 110/22 118/13 119/5 122/22 123/8 125/6 126/17 126/18 133/9 134/7 135/13 138/14 139/8 141/1 141/6 142/9 143/23 145/6 145/23 146/20 148/25 149/15 149/21 150/11 155/5 156/8 158/17 159/8 159/10 159/20 161/20 163/18 165/20 167/14 169/24 170/17 171/19 172/25 173/15 177/4 177/7 177/15 178/1 178/12 187/17 188/24 189/21 192/23 195/13 195/14 195/16 196/7 196/24 199/1 200/20 201/5 205/9 206/2 206/3 206/6 206/10 206/24 207/10 209/1 209/3 209/20 219/4 219/6 219/11 219/18 219/24 220/12 222/6 222/7 222/9 222/10 222/19 222/22 226/8
August 30 [1] 110/21	backroom [1] 88/22	before [49] 1/11 5/2 6/6 9/23 10/19 11/16 11/23 11/24 14/7 15/3 17/12 18/7 19/15 46/11 46/17 46/23 47/6 52/4 61/2 64/5 64/9 71/18 85/25 96/10 96/10 98/20 100/8 100/17 103/22 106/11 106/16 107/2 108/11 122/20 127/8 130/5 130/21 131/5 137/7 145/17 149/20 157/10 157/19 159/13 179/25 193/21 205/19 210/23 211/20
Austin [14] 43/11 43/13 43/15 43/25 181/11 182/21 186/4 186/12 187/9 189/19 192/17 217/15 217/22 218/1	backyard [1] 192/1	began [4] 39/20 54/24 54/25 83/2
Austin's [1] 212/9	bad [2] 27/23 151/5	begin [6] 5/12 48/10 84/22 85/4 85/14 154/15
authoritative [1] 95/18	bag [4] 56/5 56/5 56/11 223/24	beginning [1] 142/6
authority [2] 100/7 201/22	bags [1] 223/14	begins [3] 5/3 29/8 29/14
authorization [2] 35/11 145/13	bailiff [2] 6/4 7/23	behalf [5] 1/14 1/16 1/18 1/20 1/22
authorizes [1] 145/14	balance [2] 42/14 179/16	behavior [4] 39/19 54/5 54/6 63/11
auto [6] 137/25 138/4 143/25 147/7 160/1 178/3	Barb [17] 32/18 32/18 33/3 38/12 46/19 83/17 85/21 167/18 172/19 172/23 173/9 214/8 223/10 224/1 224/1 224/4 224/5	behind [15] 32/4 34/19 41/10 72/8 75/12 78/9 79/24 84/23 85/10 89/24 168/25 186/2 195/9 195/10 215/21
automatic [2] 37/23 67/2	Barb's [2] 168/3 214/11	being [31] 10/17 11/10 11/12 30/23 49/16 52/17 59/6 68/10 75/12 75/17 75/18 106/15 111/11 116/3 120/1 136/1 151/15 161/7 161/17 164/23 169/12 176/21 182/24 188/4 194/7 203/23 205/3 205/13 216/7 216/8 216/24
automobile [2] 140/12 155/10	Barbara [2] 137/18 137/18	belief [3] 9/10 13/20 16/25
AutoTrader [16] 29/20 30/1 46/8 47/4 47/6 47/11 71/4 105/5 105/23 105/25 112/1 118/9 177/23 178/3 178/4 178/8	barking [1] 166/16	believe [52] 7/5 12/17 42/25 69/19 71/2 74/15 86/10 87/23 88/18 89/16 90/3 91/9 94/3 94/17 94/23 95/15 96/5 97/14 98/8 114/22 128/3 128/24 131/9 138/8 138/24 141/23 143/5 145/16 152/4 167/17 174/5 176/19 178/23 179/10 182/12 186/1 198/21 198/24 200/4 200/19 202/12 202/24 209/15 210/6 211/25 212/8 213/12 214/13 217/13 217/18 217/19 218/25
available [1] 8/3	barrel [15] 39/23 40/3 40/6 40/8 49/13 69/5 80/11 80/12 80/17 163/23 163/24 164/5 184/19 192/12 192/14	believed [9] 63/21 63/23 64/11 77/25 118/1 174/8 194/19 195/16 222/20
average [1] 90/14	barrels [3] 184/13 192/2 192/6	believes [2] 70/17 70/18
Avery [129] 24/20 26/20 28/11 30/7 30/15 30/18 30/20 30/21 30/23 31/2 31/6 31/7 31/15 31/15 31/19 32/8 32/9 32/13 32/25 33/20 34/18 36/16 37/3 38/3 38/9 39/25 40/3 40/6 40/24 41/6 41/7 41/10 46/8 46/12 46/14 47/9 47/14 47/18 49/24 50/1 51/21 52/5 52/17 53/7 55/11 62/19 64/20 65/6 66/6 66/19 67/1 67/6 67/11 68/15 68/22 75/14 80/24 83/1 84/3 84/4 88/25 89/4 89/8 89/18 89/21 89/23 90/9 91/5 106/13 106/18 113/15 116/11 134/8 134/18 134/24 136/22 137/5 137/8 137/9 137/14 137/24 138/10 138/10 139/13 139/18 140/3 141/11 141/16 141/18 143/25 144/1 146/4 155/9 155/24 157/3 157/23 158/12 159/19 159/23 160/1 160/5 160/6 160/11 164/15 167/23 168/12 171/9 171/14 171/16 171/17 179/23 180/18 183/9 183/10 183/16 183/23 194/14 197/20 198/17 198/18 210/13 213/11 213/25 214/10 214/17 214/21 215/5 217/15 224/11	base [3] 6/8 61/15 212/10	
Avery's [90] 32/16 37/21 39/24 40/2 40/15 40/16 43/19 46/23 47/23 49/16 49/21 49/21 51/19 51/23 53/5 69/2 69/7 71/12 71/19 77/23 77/24 80/5 80/7 80/11 80/16 80/21 106/16 122/20 137/17 138/11 138/19 138/20 139/11 139/20 141/25 143/8 163/16 163/20 164/11 164/12 166/1 166/20 167/4 168/21 169/20 171/1 175/18 176/20 177/2 177/8 178/21 184/16 184/17 184/19 184/22 185/2 185/2 185/3 185/20 185/21 186/2 186/3 186/13 187/3 187/4 187/14 187/20 187/24 188/6 188/15 188/23 190/7 190/14 190/20 190/22 191/1 191/4 191/6 191/9 191/11 191/16 192/7 192/10 192/10 192/12 194/8 194/14 195/10 214/7 216/6	based [9] 5/6 19/23 20/7 55/18 81/2 96/8 145/2 145/5 212/11	
avoid [1] 14/25	basically [7] 143/1 145/10 152/22 158/11 170/24 208/19 218/18	
avoids [1] 95/8	basis [2] 22/7 100/11	
aware [17] 6/5 11/10 105/24 114/25 116/2 118/7 119/1 126/2 146/19 164/4 166/9 166/9 166/17 168/22 169/11 205/17 220/13	basketball [1] 96/22	
away [6] 95/21 112/3 129/15 181/13 191/23 218/13	bathroom [3] 188/6 188/8 191/6	
	Bay [5] 83/19 104/17 104/25 114/23 117/8	
	be [198] 4/22 5/19 6/1 7/8 7/17 7/22 7/25 8/22 10/10 11/17 11/19 11/22 12/2 12/6 12/10 13/7 14/18 15/18 16/12 17/23 19/7 19/24 19/25 20/11 21/23 21/25 22/1 22/5 22/9 22/10 22/16 23/11 23/25 24/7 24/11 26/22 27/2 27/3 27/4 31/23 32/15 33/12 34/1 36/11 36/13 36/15 37/9 38/19 38/22 41/8 43/23 43/24 44/2 44/9 44/18 46/2 46/20 47/20 50/14 50/18 51/14 52/10 53/8 54/8 54/16 60/14 61/20 62/22 63/9 63/21 63/23 64/11 70/15 70/17 75/7 76/9 77/7 80/20 81/2 81/4 81/5 81/11 81/12 85/24 86/4 87/5 87/7 89/7 90/6 92/14 94/18 94/21 96/4 97/15 97/17 97/25 98/7 98/9 99/7 99/11 99/12 99/17 99/23 99/24 99/25 101/1 101/9 101/19 102/2 102/3 102/16 104/2 118/1 123/10 129/7 132/14 132/20 133/11 136/25 137/3 138/19 138/24 139/10 140/3 140/13 140/24 142/16 147/2 147/4 148/10 150/18 155/15 158/8 160/15 160/25 161/8 161/14 161/18 162/1 164/19 165/13 165/16 166/4 166/13 166/14 167/21 170/18 171/15 172/8 179/1 179/6 182/7 182/9 182/9 183/3 185/24 187/12 189/25 190/6 190/9 191/7 191/25 193/2 193/7 195/16 196/6 196/10 196/19 200/22 202/21 205/1 205/4 205/13 205/15 205/16 205/18 205/19 206/11 206/22 207/12 207/16 207/20 208/4 208/18 208/19 209/6 209/14 209/18 210/5 211/17 212/25 213/14 213/24 214/8 219/19 220/14 220/18 224/20	
	beach [1] 188/10	
	bearing [2] 12/5 15/21	
	became [2] 39/15 197/11	

B			
belonged [2] 168/7 216/25	booked [1] 168/18	Brutus [9] 153/11 153/14 153/17 153/17 153/22 154/4 154/7 154/10 154/17	
belongs [1] 45/20	booking [1] 168/19	Bryan [1] 32/22	
below [1] 90/13	booth [1] 129/15	building [3] 138/3 138/4 141/19	
belts [1] 191/20	bore [2] 56/18 56/19	buildings [12] 33/6 33/10 33/11 138/7 141/17 145/15 162/19 163/8 179/25 180/1 186/6 186/8	
benefit [1] 20/14	boring [1] 62/24	built [3] 140/5 185/4 191/17	
berm [1] 154/2	boss [1] 83/23	bullet [12] 72/12 72/12 72/14 72/15 73/8 73/11 74/5 74/6 89/25 189/6 189/7 189/10	
berms [2] 140/4 140/5	both [17] 4/21 6/18 12/21 15/25 34/17 39/10 48/13 52/2 71/10 74/9 87/25 98/14 139/23 182/22 186/19 213/22 216/2	bullets [4] 72/1 72/6 72/10 217/19	
Berta [1] 132/4	bottle [1] 188/11	burden [2] 19/13 87/22	
besides [1] 207/23	bottom [5] 32/14 45/25 111/7 175/3 190/8	Bureau [1] 134/1	
best [3] 127/22 223/12 226/13	bottom's [1] 32/2	burn [44] 39/23 40/3 40/6 40/8 41/3 41/9 41/12 41/19 42/8 43/3 43/4 43/20 49/13 49/18 50/3 67/12 69/5 75/4 75/5 76/2 76/8 76/9 76/12 78/25 79/23 80/11 80/12 80/17 89/25 163/23 163/24 164/5 184/13 184/19 185/7 185/14 185/20 186/2 191/20 192/2 192/6 192/12 192/14 195/9	
better [21] 5/4 20/21 38/24 44/8 61/3 61/5 61/7 61/7 70/12 70/13 70/14 72/9 93/9 139/5 157/20 159/14 167/22 168/2 200/22 221/10 221/11	bought [2] 117/8 119/12	burned [10] 45/10 69/4 76/18 78/25 79/2 80/3 80/11 185/11 185/15 191/21	
between [22] 11/20 40/2 47/1 57/10 75/9 86/20 87/8 94/15 94/16 107/10 113/17 164/13 167/22 178/7 181/23 182/14 192/7 192/13 200/5 206/1 219/12 219/18	bounce [1] 48/19	burning [2] 67/20 80/2	
beveling [1] 73/21	box [8] 118/16 118/18 119/8 119/20 148/5 157/24 158/3 188/9	burnt [1] 75/1	
beyond [18] 10/1 10/10 10/22 12/19 14/10 14/19 15/5 15/23 17/15 17/24 18/9 18/21 19/11 19/16 53/13 97/4 140/25 201/12	boxes [2] 118/21 147/7	bus [1] 55/9	
bias [1] 5/9	boy [2] 90/12 93/25	business [16] 30/12 33/10 37/5 71/6 105/3 105/21 110/5 111/11 115/23 137/25 144/3 178/14 178/15 179/5 205/18 219/9	
big [7] 26/12 50/10 50/10 78/10 141/18 155/11 157/24	boyfriend [2] 83/18 109/17	businesses [1] 33/8	
bigger [1] 203/4	boys [1] 113/6	busy [3] 109/9 109/9 110/1	
bill [6] 47/5 71/4 73/5 178/3 178/9 220/20	BRANCH [2] 1/1 226/5	buttons [2] 128/3 128/13	
billing [1] 178/18	branches [10] 34/2 68/14 77/5 77/6 147/3 147/6 147/17 147/21 148/4 150/19	buy [1] 125/18	
birdseye [1] 186/7	brand [4] 119/19 126/10 131/22 131/24	C	
birthday [4] 108/10 108/12 131/10 131/11	Brandes [1] 169/23	cabinet [1] 84/20	
bit [19] 21/25 28/8 30/19 36/11 38/9 38/24 42/13 42/20 50/7 50/7 79/1 79/19 83/12 84/14 84/17 134/2 141/20 159/3 166/6	brass [1] 128/13	cadaver [4] 35/16 35/18 42/3 153/5	
bits [1] 26/6	break [16] 22/23 22/25 23/2 23/5 32/5 46/3 53/10 53/10 53/21 97/24 98/7 132/22 160/16 160/18 215/18 217/9	caliber [7] 37/23 67/1 72/23 72/25 73/6 73/8 189/6	
black [2] 128/18 166/3	breaks [1] 23/8	call [20] 4/2 38/14 46/18 80/21 83/6 85/20 100/15 102/11 105/25 109/8 112/21 118/25 123/3 133/6 133/25 142/9 173/13 173/21 197/14 207/6	
Blaine [9] 32/22 82/23 82/24 83/8 83/9 83/13 83/15 83/25 84/1	breath [1] 53/3	called [50] 6/19 20/4 29/20 30/7 30/9 31/8 35/1 35/16 35/17 39/5 56/17 58/17 59/15 61/21 69/7 71/22 75/7 79/8 80/24 84/2 86/12 86/25 102/14 109/23 111/15 111/25 112/3 112/9 112/10 113/24 116/24 117/12 117/12 119/2 119/15 123/8 124/13 133/9 134/6 134/10 134/11 135/2 138/24 149/15 152/16 153/5 181/14 185/6 200/15 218/4	
Blaine's [1] 83/23	BRENDAN [162] 1/6 1/23 4/3 4/13 10/24 11/5 15/7 15/13 15/24 16/1 26/13 27/2 28/9 32/21 33/1 37/4 38/6 39/25 40/24 46/19 46/23 53/15 54/3 54/4 54/23 55/8 55/12 55/17 62/12 62/14 62/16 62/21 63/19 63/20 63/25 64/3 64/16 64/19 64/22 65/1 65/3 65/7 65/17 65/19 66/8 66/13 66/15 66/17 66/18 66/19 67/3 68/11 68/18 68/25 69/8 69/19 69/25 70/3 70/8 70/11 70/16 70/19 71/1 71/8 71/10 72/4 72/18 73/1 73/15 74/7 74/13 74/16 74/24 75/2 75/10 75/14 75/15 76/13 76/22 77/1 77/4 77/7 77/11 77/14 77/17 77/25 78/3 78/5 78/14 78/19 78/23 80/1 80/3 80/10 80/20 80/25 81/20 81/22 82/2 82/9 82/21 82/24 83/11 83/14 83/21 83/24 84/1 84/8 84/11 85/7 85/8 85/22 85/24 86/3 86/7 88/10 88/20 89/13 89/20 90/4 90/5 90/8 90/10 90/24 90/25 91/5 92/18 93/4 93/11 93/18 93/20 93/24 94/1 94/16 95/11 95/16 95/24 97/5 97/6 97/12 122/15 122/19 137/20 139/12 139/20 172/14 172/19 176/2 203/24 204/4 211/15 213/15 214/22 215/7 217/1 217/4 218/18 220/5 221/13 221/23 222/3	calling [5] 82/7 82/7 111/17 111/18 179/7	
blank [1] 117/17	Brendan's [14] 28/12 64/1 64/10 69/1 69/14 70/20 75/6 77/18 81/13 84/5 84/12 85/21 122/22 214/3	calls [7] 46/8 83/9 83/25 84/4 84/7 84/10 85/22	
bleach [18] 68/20 78/10 78/11 78/12 78/17 85/18 175/12 175/13 175/19 176/6 188/3 188/10 194/2 194/3 194/7 195/5 218/21 221/14	Breyer [1] 113/24	Calumet [18] 4/6 23/18 25/2 89/7 112/3 134/12 135/4 135/16 135/19 136/3 144/10 197/12 198/21 199/25 200/2 200/4 200/8 220/18	
bleeding [5] 51/24 52/5 52/11 69/3 80/6	bridges [1] 115/17	came [22] 29/7 41/14 41/15 73/11 82/22 82/25 108/19 152/4 152/23 194/5 210/17 211/5 213/10 213/11 213/14 213/18 213/23 214/9 214/10 216/5 222/21 223/9	
blood [41] 35/23 39/3 39/5 39/9 39/10 39/13 39/14 50/8 50/9 51/5 51/10 51/12 51/13 51/16 51/19 52/20 74/18 74/19 74/20 80/7 80/8 89/23 90/6 153/7 154/5 195/13 195/14 195/17 219/1 219/3 219/8 219/20 220/2 221/24 222/4 222/6 222/10 222/19 222/20 222/22 222/23	brief [2] 133/2 135/5	camera [6] 69/4 80/11 80/19 118/8 118/8 118/16	
bloodhounds [1] 42/4	briefing [1] 135/6	can [100] 19/15 19/18 19/24 19/25 20/21 21/3 22/22 25/25 25/25 28/4 33/6 35/12 45/2 46/20 47/20 48/12 50/12 51/14 51/18 52/8 56/10 57/1 57/3 59/8 60/13 61/20 67/13 69/17 74/2 76/14 76/15 77/21 79/18 87/5 92/3 94/20 99/10 100/17 104/4 104/21 106/25 110/25 113/23 114/5 118/14 119/17 121/21 125/7 126/5 127/5 127/18 128/11 128/25 129/17 129/18 129/20 129/24 132/22 136/19 137/1 140/4 140/9 140/21 141/20	
blue [6] 127/5 129/9 172/6 174/17 174/25 175/1	briefly [10] 63/24 97/21 100/8 104/12 104/20 121/22 142/1 167/16 172/11 220/4		
bluish [2] 146/3 146/11	bring [3] 76/17 77/10 223/20		
bluish/green [2] 146/3 146/11	brooded [1] 11/17		
board [1] 147/19	brother [6] 33/5 82/23 138/20 193/13 194/10 220/8		
Bobby [1] 32/22	brothers [2] 32/21 111/15		
bodies [1] 153/6	brought [14] 111/20 149/21 152/6 180/5 180/8 180/11 180/14 180/21 194/3 207/13 209/22 216/7 216/11 216/13		
bodily [1] 52/20	brush [1] 148/4		
body [11] 37/19 55/23 58/21 67/10 67/12 67/13 67/20 74/15 75/1 82/12 157/16			
body's [1] 68/9			
bone [12] 41/12 45/9 45/13 45/16 73/18 73/18 73/20 75/19 75/20 75/22 76/1 89/24			
bones [8] 41/17 41/21 42/15 42/22 43/6 45/6 45/7 75/17			
bonfire [7] 67/16 84/8 84/15 84/24 84/25 85/20 85/23			
book [1] 88/14			
bookcase [1] 187/16			

C		
can... [36] 142/18 143/24 146/8 147/12 147/14 147/17 147/20 148/8 149/10 149/22 150/20 157/20 158/6 159/4 159/15 164/12 166/5 167/15 168/13 170/4 171/23 174/22 178/15 183/6 184/18 187/15 188/4 188/13 190/14 190/24 192/6 202/25 203/3 205/15 208/7 208/17	certify [1] 226/6 CF [2] 1/5 4/3 chain [11] 128/24 129/2 130/2 130/9 130/11 130/13 130/17 166/15 166/15 185/7 191/18 chair [1] 187/16 chance [3] 23/17 100/10 217/11 change [4] 55/16 92/14 93/4 93/5 changes [3] 92/12 92/24 96/1 changing [1] 84/13 chapter [2] 87/14 97/16 chapters [1] 88/15 characterization [1] 158/9 characterize [2] 197/7 213/19 characterized [2] 101/19 193/24 characters [1] 86/15 charge [2] 49/22 197/10 charged [4] 8/13 19/7 26/15 27/9 charges [3] 8/17 13/2 16/6 charred [2] 42/18 75/18 cheaper [1] 104/8 check [2] 48/17 199/7 checkpoint [2] 135/11 140/25 cherry [2] 131/23 131/24 chest [2] 61/6 61/8 chief [2] 99/8 100/14 child [2] 90/16 95/12 children [2] 103/3 103/13 chilling [1] 41/1 chilly [2] 84/14 86/1 choice [2] 64/16 64/18 choices [8] 63/11 63/13 64/15 64/15 82/2 82/3 82/6 82/13 chooses [1] 101/2 chose [1] 82/9 Chuck [2] 138/19 141/25 Chuck's [1] 33/5 Cindy [1] 170/11 Cingular [3] 111/1 178/17 179/5 circle [1] 78/9 CIRCUIT [3] 1/1 1/11 226/5 circumstance [1] 12/11 circumstances [3] 12/5 12/18 15/21 cite [1] 99/14 cited [2] 100/7 102/6 citizen [7] 33/18 37/14 48/13 145/23 146/3 180/17 208/4 citizens [13] 21/16 21/19 34/11 48/21 49/9 112/5 112/6 114/9 114/14 114/15 198/8 198/13 199/10 claim [1] 161/20 clean [8] 85/7 85/14 85/18 175/17 175/20 194/23 194/25 195/7 cleaned [8] 68/20 68/21 68/21 78/6 78/24 188/17 218/4 219/4 cleaned-up [1] 218/4 cleaning [7] 78/17 85/6 194/8 194/14 194/17 221/19 222/4 cleanup [1] 195/6 clear [6] 99/9 99/22 100/24 154/10 167/1 223/4 clearly [4] 100/12 150/16 154/7 206/17 clerk [4] 4/14 123/5 132/7 145/11 clicks [1] 130/9 client [1] 101/21 clients [1] 106/7 close [13] 8/14 34/20 40/5 40/7 74/21 103/1 107/15 124/1 124/3 158/8 184/21 187/20 210/17 close-up [1] 184/21 close-ups [1] 74/21 closed [1] 22/21 closely [1] 219/10 closeness [1] 212/22	closer [5] 40/2 72/7 104/9 123/25 166/6 closest [5] 124/16 124/17 125/25 125/25 156/18 closet [1] 173/10 closets [1] 173/12 closeups [3] 173/16 186/23 186/24 closing [3] 7/15 86/25 87/19 cloth [1] 130/1 clothes [11] 68/23 69/2 78/24 79/2 79/7 80/2 80/4 85/14 124/9 125/19 126/1 clothing [9] 56/3 56/4 56/10 79/25 85/13 125/22 126/22 126/24 173/24 cloths [2] 194/23 194/24 clutter [4] 188/19 188/19 188/20 188/25 coached [2] 125/2 125/10 coaching [1] 125/1 coat [1] 86/1 code [7] 8/20 10/15 13/5 14/23 16/9 18/3 52/22 cognitive [3] 90/14 93/13 95/5 cognitively [1] 95/13 collect [2] 84/21 165/16 collected [4] 7/23 8/1 31/13 72/22 collecting [2] 85/3 85/3 collection [1] 165/21 collectively [1] 69/18 college [1] 29/2 color [12] 130/1 146/3 146/12 172/6 194/17 194/22 206/12 206/17 207/21 207/24 209/19 222/8 colors [1] 208/25 com [1] 13/19 come [25] 5/21 30/16 30/17 38/19 40/10 46/9 46/15 46/20 53/22 69/15 73/13 82/24 84/7 107/20 134/7 137/8 143/13 167/19 180/15 180/16 181/12 210/23 213/7 215/20 215/25 comes [4] 21/4 26/6 75/23 83/12 coming [8] 108/21 139/16 151/13 183/21 190/12 190/23 191/1 191/15 command [9] 135/2 138/14 141/9 141/13 141/15 142/2 142/2 142/17 163/11 commencing [1] 152/25 comment [1] 159/5 commission [29] 8/21 8/25 9/6 9/9 9/22 10/4 10/9 10/12 12/24 13/6 13/11 13/16 13/19 14/5 14/13 14/17 14/20 16/3 16/11 16/15 16/20 16/24 17/11 17/18 17/22 17/25 19/7 27/20 28/4 commit [10] 8/23 9/11 9/19 13/9 13/21 14/4 16/13 17/1 17/9 60/8 commitment [1] 6/12 commits [8] 9/13 9/14 13/23 13/24 17/2 17/4 27/19 28/5 committed [23] 6/8 9/3 9/8 10/2 10/7 10/16 11/16 12/21 13/14 13/18 14/11 14/15 15/25 16/19 16/22 17/16 17/20 18/4 27/18 53/15 60/12 69/11 145/6 committing [10] 9/2 9/11 9/19 13/12 13/21 14/3 16/17 16/25 17/8 39/21 common [2] 19/23 119/14 commonly [1] 138/22 communications [1] 6/2 compare [1] 120/5 compass [1] 66/11 compel [1] 18/19 compelling [1] 70/17 competition [1] 96/22 completed [1] 178/7 completely [3] 45/10 45/11 151/6 completes [2] 47/5 48/1 completion [2] 71/5 71/5 compression [1] 189/11 compressor [2] 72/8 189/12

<p>C</p> <p>computer [7] 43/4 43/9 44/11 181/3 184/8 191/5 226/10</p> <p>computer-assisted [1] 226/10</p> <p>computer-generated [5] 43/4 43/9 44/11 181/3 184/8</p> <p>computerized [1] 226/9</p> <p>computers [1] 44/3</p> <p>con [2] 17/23 101/19</p> <p>conceal [10] 14/25 15/14 15/16 52/14 67/13 67/21 77/2 148/4 151/23 200/21</p> <p>concealed [6] 33/25 34/1 68/14 77/4 77/12 147/5</p> <p>concealing [2] 77/7 150/19</p> <p>concentrated [1] 140/17</p> <p>concentrating [1] 23/1</p> <p>concept [6] 27/14 27/17 28/15 28/18 28/19 60/24</p> <p>concerned [11] 8/20 8/25 10/11 13/6 13/11 14/20 16/10 16/15 17/25 48/10 109/23</p> <p>concerning [2] 6/2 6/6</p> <p>conclude [1] 53/22</p> <p>conclusion [7] 12/20 15/24 81/19 82/14 86/19 86/21 97/16</p> <p>conclusions [2] 7/6 52/9</p> <p>condition [4] 146/12 146/13 199/2 211/8</p> <p>conduct [2] 5/5 11/11</p> <p>confessing [2] 57/19 57/21</p> <p>confession [2] 58/10 69/22</p> <p>confessions [4] 58/15 61/15 90/24 101/20</p> <p>confidential [1] 7/22</p> <p>confirm [1] 178/23</p> <p>confused [1] 12/6</p> <p>conjunction [2] 151/9 201/22</p> <p>connect [1] 95/24</p> <p>connected [4] 130/2 198/12 204/4 211/14</p> <p>connecting [2] 214/22 217/4</p> <p>consent [3] 18/5 18/14 65/24</p> <p>consented [1] 176/4</p> <p>consequences [1] 82/13</p> <p>consider [8] 7/3 54/4 91/15 92/8 96/20 97/6 97/10 97/12</p> <p>considerable [1] 94/5</p> <p>consideration [2] 20/1 97/14</p> <p>considered [3] 11/17 96/13 140/25</p> <p>consistent [4] 19/19 55/5 72/24 73/13</p> <p>consists [2] 32/9 32/10</p> <p>constitute [1] 19/14</p> <p>contact [7] 5/22 5/24 49/24 95/7 116/25 143/12 144/7</p> <p>contacted [2] 146/5 152/3</p> <p>contacting [1] 117/19</p> <p>contain [1] 154/5</p> <p>contained [2] 223/24 224/2</p> <p>containers [1] 223/15</p> <p>contains [1] 49/19</p> <p>contemplating [1] 99/5</p> <p>contends [3] 8/24 13/10 16/14</p> <p>contest [1] 96/21</p> <p>contested [3] 22/5 26/23 52/10</p> <p>continue [3] 11/24 138/12 138/17</p> <p>continued [2] 105/1 210/11</p> <p>continuing [3] 49/3 138/21 190/19</p> <p>contract [2] 111/1 120/23</p> <p>contracts [1] 29/17</p> <p>control [3] 142/5 197/21 198/4</p> <p>controlled [3] 205/11 213/24 213/24</p> <p>controls [1] 87/17</p> <p>convened [1] 100/8</p> <p>Convention [1] 129/14</p> <p>conversation [4] 47/13 220/4 221/12 221/23</p> <p>convict [1] 12/14</p>	<p>convicted [3] 8/22 13/7 16/12</p> <p>conviction [2] 12/8 15/1</p> <p>convinced [3] 10/10 14/18 17/23</p> <p>coordinate [1] 25/17</p> <p>coordinated [1] 23/24</p> <p>copy [2] 8/2 178/17</p> <p>corner [21] 32/14 32/15 34/17 41/5 139/10 139/18 140/3 140/15 141/12 141/15 147/18 148/1 150/16 157/2 157/23 157/25 159/22 169/4 183/10 187/16 191/5</p> <p>corners [1] 139/25</p> <p>corpse [14] 13/3 13/12 14/2 14/4 14/8 14/12 14/17 14/22 14/25 15/8 15/9 15/11 15/13 27/10</p> <p>correct [82] 4/23 122/20 124/20 140/18 140/20 144/6 145/25 157/17 157/18 161/19 167/8 167/9 167/24 167/25 172/15 172/16 184/1 184/8 184/9 185/9 185/10 185/13 186/8 186/9 186/22 187/11 189/16 192/18 193/20 195/23 197/4 197/8 197/12 197/13 197/18 198/5 198/6 198/17 199/1 200/11 200/17 200/18 200/21 200/25 201/14 201/25 203/25 204/1 204/7 204/15 205/23 206/8 207/17 207/18 207/24 208/12 208/16 209/10 210/3 210/25 211/21 212/20 213/16 213/21 214/6 214/23 214/24 215/7 215/14 216/16 216/23 217/1 217/2 217/5 217/6 218/3 218/23 220/7 221/16 222/5 222/23 226/12</p> <p>corroborate [4] 69/21 70/8 70/18 76/15</p> <p>corroborated [3] 61/21 91/23 91/25</p> <p>Corroboration [2] 91/21 92/2</p> <p>cost [1] 220/15</p> <p>Cou [1] 199/25</p> <p>could [55] 25/21 39/8 39/9 41/18 50/18 70/6 70/6 81/16 82/1 97/16 97/20 102/21 103/14 103/18 103/25 106/22 107/4 107/13 108/8 111/12 115/22 116/6 123/18 123/25 133/17 134/2 140/24 147/3 148/23 151/19 154/20 155/7 156/5 162/11 163/1 171/7 171/20 173/3 179/17 181/8 183/12 187/22 195/13 195/14 203/1 203/10 206/16 208/4 220/15 222/6 222/7 222/9 222/10 222/19 222/22</p> <p>couldn't [1] 206/17</p> <p>counsel [12] 4/19 7/9 23/22 98/13 98/21 100/4 100/7 132/13 179/3 196/4 211/20 223/2</p> <p>Count [4] 8/16 8/16 13/2 16/6</p> <p>counties [1] 180/14</p> <p>county [33] 1/1 4/6 4/8 21/7 21/7 21/20 23/19 23/19 24/10 24/17 25/2 89/5 112/3 115/14 134/12 135/4 135/16 135/19 135/19 136/2 136/3 143/21 144/10 180/20 197/12 198/21 200/1 200/2 200/4 220/12 220/18 220/19 226/2</p> <p>couple [13] 21/12 39/16 62/23 84/5 84/6 119/24 130/14 150/22 159/11 166/20 188/1 202/24 223/3</p> <p>Coupled [1] 95/14</p> <p>course [10] 18/12 80/6 100/11 201/16 204/23 207/16 211/11 215/15 221/12 221/22</p> <p>court [36] 1/1 1/11 2/4 4/2 5/8 6/4 6/11 6/21 6/25 7/9 7/16 87/17 89/5 98/8 100/5 100/8 101/2 102/4 102/7 132/13 132/16 145/11 149/21 161/3 161/22 179/3 193/1 221/6 221/9 224/20 224/21 225/6 225/10 226/4 226/5 226/19</p> <p>courtroom [6] 5/20 6/14 22/13 76/17 98/6 176/6</p> <p>Courts [1] 145/11</p> <p>cousin [1] 116/7</p> <p>coveralls [1] 149/14</p> <p>covered [1] 33/25</p> <p>Covington [2] 20/24 21/1</p>	<p>cows [2] 108/19 115/21</p> <p>cozy [1] 93/18</p> <p>crack [1] 189/7</p> <p>Cramer [2] 153/11 153/21</p> <p>cranial [2] 73/25 74/12</p> <p>cranium [1] 73/20</p> <p>created [4] 43/17 43/25 181/6 192/16</p> <p>creating [1] 209/25</p> <p>creation [1] 181/3</p> <p>credibility [2] 7/11 96/15</p> <p>credit [1] 50/24</p> <p>crime [108] 8/18 8/19 8/21 8/22 8/22 8/25 9/6 9/7 9/9 9/12 9/13 9/14 9/16 9/19 9/22 9/25 10/2 10/5 10/8 10/9 10/12 12/24 13/4 13/4 13/6 13/7 13/8 13/11 13/16 13/17 13/20 13/22 13/23 13/24 14/1 14/4 14/6 14/8 14/11 14/13 14/16 14/18 14/20 14/25 15/2 15/14 15/16 16/3 16/8 16/11 16/11 16/12 16/15 16/20 16/21 16/24 17/1 17/2 17/4 17/6 17/9 17/11 17/14 17/16 17/18 17/21 17/22 17/25 27/15 27/16 27/19 27/20 28/4 28/19 31/11 31/18 35/13 36/3 38/23 39/2 39/12 39/18 41/14 44/20 51/4 52/15 57/20 57/20 57/21 58/2 60/12 67/14 73/5 74/1 77/3 78/8 136/12 145/6 149/11 149/14 151/10 151/17 151/21 152/11 154/12 154/17 181/19 217/7</p> <p>crimes [5] 39/21 53/16 60/8 133/23 133/24</p> <p>criminal [13] 8/20 10/15 13/5 14/23 16/9 18/3 25/5 25/13 27/17 28/17 39/19 54/6 133/20</p> <p>critical [1] 49/14</p> <p>critically [1] 71/15</p> <p>cross [13] 3/10 3/16 6/19 98/19 99/18 100/25 101/23 102/3 122/9 122/12 132/24 196/19 196/22</p> <p>cross-examination [7] 3/10 3/16 6/19 98/19 99/18 122/12 196/22</p> <p>crow [3] 212/11 212/15 212/16</p> <p>crude [1] 65/13</p> <p>crush [2] 34/24 158/21</p> <p>crushed [22] 76/24 155/16 155/17 155/21 156/3 157/6 157/7 157/13 158/8 158/15 158/16 158/19 158/23 159/1 205/1 205/5 205/13 205/15 206/10 206/20 206/24 209/2</p> <p>crusher [33] 34/21 34/22 35/1 35/7 76/25 140/12 152/7 153/1 153/3 155/10 155/18 155/19 155/22 155/25 156/7 156/14 156/19 156/22 156/23 156/24 157/1 157/4 157/5 157/9 157/25 158/1 158/15 158/23 205/20 206/2 212/14 212/19 212/23</p> <p>crushing [1] 212/2</p> <p>crux [1] 36/10</p> <p>cue [1] 71/17</p> <p>Culhane [10] 31/20 31/22 44/13 44/15 44/23 45/11 51/4 53/1 72/13 77/22</p> <p>Cum [1] 104/16</p> <p>current [2] 178/4 178/10</p> <p>currently [3] 21/20 133/23 142/21</p> <p>cursory [1] 209/13</p> <p>curtilage [1] 139/23</p> <p>Curtis [1] 80/14</p> <p>curve [1] 73/22</p> <p>custodian [1] 179/7</p> <p>customer [1] 178/8</p> <p>cut [9] 32/3 32/3 50/2 52/4 52/5 52/7 52/8 69/3 80/5</p> <p>cuts [1] 66/20</p> <p>D</p> <p>D.A [1] 23/18</p> <p>D.A.'s [1] 4/9</p> <p>D.O.T [1] 208/17</p> <p>Da [1] 213/10</p>
---	---	--

D	decisions [4] 21/13 65/6 65/16 69/16	Despite [1] 95/23
dad [1] 33/2	deck [2] 184/23 190/24	destroyed [1] 8/1
dad's [1] 108/10	dedicated [1] 103/4	destructive [1] 41/19
dairy [1] 115/25	deep [2] 52/8 53/3	detached [1] 92/25
Daisy [11] 79/8 79/20 79/21 126/7 126/9	defendant [54] 1/7 1/20 1/22 1/24 8/13 8/17	detail [7] 48/4 63/19 64/4 70/3 70/4 70/4
126/12 126/15 126/25 127/21 128/7 128/21	8/24 9/18 9/23 10/2 10/7 10/11 10/20 11/9	175/7
Dane [1] 21/7	11/14 12/12 12/13 12/21 12/23 12/25 13/1	detailed [2] 54/15 187/9
dangerous [4] 16/8 18/6 18/17 18/19	13/2 13/10 14/2 14/7 14/10 14/15 14/19 15/3	details [13] 55/17 56/22 59/8 61/24 63/8
dangers [1] 162/21	15/15 16/4 16/5 16/6 16/14 17/7 17/12 17/16	63/15 65/25 69/10 91/25 92/6 92/13 95/2
dark [3] 84/17 149/2 194/18	17/20 17/24 18/7 18/11 18/15 18/18 18/24	96/1
darkened [1] 185/13	18/25 19/11 19/17 20/14 28/3 32/21 82/15	detect [1] 35/19
darkness [1] 151/13	99/2 99/10 172/14	detective [1] 161/10
Das [1] 137/20	defendant's [4] 11/3 12/3 15/19 19/20	determination [1] 30/13
DASSEY [99] 1/6 1/23 4/3 4/13 10/24 11/5	Defendants [1] 19/5	determine [11] 63/18 113/4 127/23 143/13
15/7 15/13 15/25 16/1 21/17 26/13 27/2 28/9	defense [11] 23/10 86/18 96/18 96/25 99/1	151/23 168/6 170/19 207/21 207/22 208/10
32/20 32/21 34/18 39/25 41/6 43/21 46/19	99/17 99/23 177/5 178/12 179/2 179/8	210/16
53/15 54/4 54/23 56/3 62/12 62/14 62/21	defer [2] 101/2 101/5	determined [2] 30/5 168/24
63/25 64/3 64/22 65/1 65/19 66/19 66/24	defined [3] 10/15 14/22 18/2	determining [1] 219/20
67/7 67/14 67/20 68/18 72/18 74/7 80/1 80/3	Definitely [1] 182/18	develop [4] 45/1 45/12 53/1 113/20
81/20 81/22 82/3 82/9 82/21 89/14 90/5 90/8	definition [1] 218/15	developed [6] 31/22 44/18 51/4 58/4 165/9
90/24 92/18 99/3 122/15 122/19 137/20	degraded [2] 42/17 45/11	211/14
137/21 143/7 167/23 169/20 171/2 171/9	degrading [1] 65/13	device [1] 212/2
171/14 172/14 172/19 172/21 173/23 174/17	degree [25] 8/17 9/1 9/17 9/20 9/24 10/3	diagrams [1] 76/25
175/6 175/8 176/3 176/18 177/1 183/9	10/8 10/14 10/20 12/22 14/16 16/7 16/16	did [105] 8/23 11/6 13/8 16/13 18/13 54/21
183/15 183/22 184/4 184/11 185/23 190/9	17/7 17/9 17/13 17/17 17/21 18/2 18/22	54/21 62/16 63/14 64/12 70/5 77/5 79/2
190/13 192/1 192/3 193/6 193/10 193/22	27/10 27/11 31/2 53/16 63/19	80/21 81/9 87/12 100/7 102/24 104/13
194/6 194/11 195/22 203/25 204/4 213/10	deliberate [1] 88/21	104/22 105/6 105/13 106/14 106/15 107/18
213/15 214/12 214/22 215/7 217/1 217/5	deliberations [7] 5/11 5/12 5/16 7/21 8/4	107/20 109/3 109/5 109/17 111/14 111/25
Dassey's [20] 27/8 37/4 38/7 40/24 46/24	19/9 54/17	113/12 113/18 113/20 113/22 114/12 114/12
54/5 59/3 70/16 72/4 90/4 90/10 139/12	Delores [2] 32/25 138/10	116/15 116/23 117/11 117/13 117/14 118/23
139/20 171/22 174/4 174/12 189/14 192/8	Delores' [1] 141/24	120/8 120/17 120/25 120/25 121/3 122/16
194/10 211/15	demeanor [1] 166/10	124/10 124/15 125/5 127/2 127/14 129/4
Dassey/Janda [1] 213/10	demonstrative [3] 161/7 161/13 161/24	130/19 130/23 131/1 131/19 131/22 132/1
data [1] 119/2	denial [2] 58/13 60/4	143/13 144/13 144/16 144/20 145/16 146/20
date [8] 1/10 101/21 110/18 111/4 145/7	denials [3] 58/16 58/17 59/10	147/4 162/16 162/23 166/19 166/22 172/18
145/7 195/15 205/10	denied [2] 54/25 88/16	172/21 173/23 174/7 175/7 175/11 175/13
Dated [1] 226/15	dentist [2] 76/3 76/4	177/20 193/15 197/24 199/13 200/1 201/11
daughter [10] 29/3 103/2 109/7 116/9	department [14] 4/7 24/5 25/3 25/5 79/10	203/13 203/15 203/17 203/18 203/19 204/21
116/12 118/1 118/9 120/16 121/15 122/18	112/4 124/13 133/20 135/19 135/20 135/23	207/2 207/2 210/5 210/7 210/15 210/19
daughters [1] 114/19	136/3 136/4 188/3	210/20 212/10 213/7 215/6 215/20 218/24
daunting [1] 21/15	departments [2] 115/1 180/15	221/3 224/5
Dawn [1] 47/11	depend [1] 101/16	didn't [25] 26/20 31/10 31/14 31/15 39/7
day [44] 1/5 7/25 11/18 29/9 37/15 38/21	depending [1] 160/21	55/5 55/6 55/8 70/1 72/17 81/7 81/7 94/12
40/11 40/13 41/16 43/2 47/7 47/8 49/20 69/5	depends [3] 109/8 206/20 209/21	112/2 116/11 117/11 121/16 166/23 177/11
70/9 71/9 108/3 108/6 108/11 108/13 109/4	depict [8] 174/21 181/10 181/20 181/24	197/16 198/3 203/16 205/3 213/18 215/5
110/1 110/2 112/7 112/12 116/15 116/17	186/15 189/4 189/18 189/19	died [1] 103/22
116/21 117/24 126/14 131/5 131/14 145/18	depicted [5] 130/11 164/20 164/23 184/19	difference [4] 57/10 60/23 86/20 107/10
162/13 179/22 179/22 198/1 205/10 209/24	198/25	differences [1] 87/9
211/7 211/9 219/13 224/25 226/15	depicting [2] 155/10 185/19	different [26] 22/17 32/11 37/12 39/3 46/14
day's [1] 7/23	depiction [7] 142/22 150/23 183/8 184/16	51/20 79/20 89/5 89/13 89/14 91/19 91/19
days [25] 22/3 36/6 36/7 36/7 39/16 43/14	184/21 217/22 218/7	91/20 92/12 93/11 130/22 151/4 165/13
45/23 50/15 50/21 50/21 88/6 88/6 89/22	depictions [5] 44/6 182/11 187/8 187/8	183/21 185/19 187/12 187/15 188/23 191/8
89/22 111/25 115/22 143/12 145/8 157/12	217/15	202/6 208/19
166/21 179/19 180/7 180/12 195/22 202/24	depicts [4] 170/23 172/5 188/6 189/6	differently [1] 60/10
DCI [6] 90/21 133/21 133/22 136/11 193/12	depression [1] 212/13	differs [1] 93/18
196/25	Deputies [1] 200/1	difficult [13] 57/25 59/11 62/22 64/24 89/2
DCI's [3] 134/12 136/1 136/6	deputy [3] 188/2 200/4 224/9	116/14 120/12 159/10 206/3 207/20 209/3
dead [1] 66/25	descent [1] 139/2	209/6 209/14
deal [2] 39/4 104/10	describe [26] 26/7 56/10 59/1 59/2 73/19	dig [1] 209/8
death [10] 10/17 10/25 11/1 11/4 11/12 55/1	104/4 104/21 106/6 106/22 107/13 113/23	digital [3] 80/19 118/8 118/16
79/14 120/1 126/20 127/25	115/22 124/1 137/4 142/18 146/1 147/3	dimensional [3] 181/25 182/1 183/8
debrief [1] 163/11	149/11 152/20 153/25 162/12 166/12 175/8	direct [14] 3/9 3/12 3/15 6/18 11/1 57/2
debris [10] 34/2 84/20 85/3 149/3 218/6	179/17 194/5 202/9	102/19 108/4 123/14 133/15 172/10 197/15
218/8 218/10 218/13 218/15 218/16	described [11] 77/7 146/11 162/17 187/17	204/23 216/17
deceased [2] 35/22 153/6	194/18 194/22 196/10 200/20 204/14 204/24	directed [3] 6/25 27/2 57/1
decide [14] 5/6 6/14 63/22 66/16 67/9 68/5	222/8	direction [2] 25/19 148/2
69/18 81/12 81/13 87/3 94/22 96/7 97/1	describes [2] 67/20 95/4	directly [23] 8/23 9/2 9/3 9/8 10/2 10/7 11/7
210/5	describing [1] 181/8	12/21 13/8 13/12 13/14 13/18 14/11 14/15
decided [1] 105/3	description [3] 27/25 66/4 174/13	15/25 16/1 16/13 16/16 16/18 16/22 17/16
decides [1] 67/11	deserves [1] 12/17	17/20 167/21
decision [9] 20/12 66/15 69/12 69/12 88/23	designed [4] 34/24 56/14 57/11 57/12	directs [2] 144/4 145/2
96/11 151/7 151/9 151/12	desk [2] 187/15 191/5	dirt [3] 185/4 185/15 191/17
	desperately [1] 36/22	dis [1] 67/11

D

disappear [1] 186/13
 disappearance [1] 119/25
 disappearing [1] 188/16
 discard [1] 94/20
 discarded [1] 55/4
 discovered [4] 49/18 145/23 156/6 189/11
 discoveries [1] 49/15
 discovery [3] 39/1 41/2 49/13
 discuss [6] 5/15 66/13 97/8 98/22 100/7 106/6
 discussed [1] 4/21
 discusses [1] 67/11
 discussing [1] 193/7
 discussion [6] 5/13 97/22 98/1 133/5 135/21 173/6
 discussions [1] 113/12
 disposal [1] 43/1
 dispose [3] 52/14 67/9 82/11
 distance [7] 94/14 159/17 166/16 183/1 183/2 191/24 212/11
 distract [1] 7/18
 distribute [1] 114/13
 distributing [1] 114/10
 distribution [1] 48/20
 district [4] 4/6 23/18 24/4 24/10
 disturbing [1] 63/9
 ditches [1] 114/24
 dive [1] 180/21
 Division [2] 25/5 133/20
 DNA [31] 24/13 31/8 31/9 31/12 31/18 31/24 31/25 39/8 44/14 44/18 44/21 45/1 45/12 45/17 50/6 51/3 51/24 52/17 52/19 52/23 72/13 77/21 89/23 90/4 90/6 120/1 120/5 215/2 215/3 215/4 217/3
 do [130] 5/8 5/12 5/15 5/23 10/6 14/14 17/19 19/20 22/8 22/14 22/19 27/13 43/25 48/2 48/15 49/25 56/8 58/20 59/11 59/18 60/7 63/8 65/11 65/18 66/7 66/12 66/16 71/2 71/20 71/25 73/7 74/15 76/14 79/12 85/1 85/16 87/7 87/15 88/1 88/2 89/2 93/23 101/3 105/15 105/18 108/5 108/25 110/9 110/11 110/18 113/8 114/9 114/14 115/24 115/25 116/8 116/23 117/9 118/3 118/18 119/15 119/16 120/4 120/4 121/4 124/2 124/10 124/22 126/5 128/5 128/23 129/1 129/10 129/12 129/21 130/16 130/20 131/5 131/20 131/24 134/13 145/9 148/17 153/11 154/23 156/12 160/24 162/19 162/23 162/24 162/24 163/22 163/24 165/9 166/7 169/14 169/15 173/16 173/18 174/22 176/5 176/8 176/15 177/9 182/12 182/19 182/24 186/4 189/3 195/15 199/6 199/9 201/16 203/6 203/22 205/18 206/4 206/5 206/14 207/14 208/7 208/17 208/25 209/23 210/1 212/10 217/10 222/15 223/7 226/6
 does [27] 7/17 11/14 12/15 31/23 31/24 47/16 66/15 77/22 93/23 96/17 96/18 102/1 111/3 111/6 111/9 130/7 130/10 130/11 130/15 146/15 156/19 165/3 165/5 208/11 209/12 217/24 221/25
 doesn't [3] 25/24 48/7 218/2
 dog [20] 93/22 122/1 152/23 153/2 153/3 153/4 153/7 153/11 154/11 163/3 166/6 166/9 166/10 166/13 166/14 166/19 166/24 185/7 191/18 210/10
 doghouse [2] 185/7 191/18
 dogs [12] 35/17 35/18 35/18 42/3 42/4 152/22 153/5 153/17 163/4 163/6 166/22 166/23
 doing [8] 12/10 22/10 24/16 44/14 66/5 113/11 128/12 221/18

don't [32] 22/7 28/18 61/14 65/11 82/18 88/10 90/3 94/12 95/22 96/24 97/2 101/24 104/9 122/16 135/14 143/18 159/4 161/3 161/6 161/8 161/13 179/19 199/4 200/7 203/16 205/7 208/13 210/6 210/21 214/13 219/25 220/3
 Donald [1] 76/4
 done [7] 25/18 85/6 86/9 88/8 88/11 163/10 180/17
 door [24] 51/9 51/11 51/17 51/22 64/6 64/8 64/17 64/21 103/20 104/3 164/18 165/2 184/23 184/24 186/20 187/20 187/21 187/21 187/25 187/25 188/24 190/25 199/7 199/12
 door/entrance [1] 187/25
 doors [4] 164/16 164/17 164/20 186/20
 dots [2] 74/2 74/4
 doubt [32] 10/1 10/11 10/22 12/20 14/10 14/19 15/5 15/24 17/15 17/24 18/9 18/22 19/11 19/17 19/22 19/23 19/24 20/2 20/6 20/6 20/8 20/10 20/10 20/11 20/14 20/15 53/14 96/5 96/8 96/19 97/3 97/5
 down [29] 58/22 68/2 68/4 68/12 83/3 92/20 102/25 123/2 133/1 135/7 135/10 137/12 137/13 138/21 139/2 140/22 143/4 154/1 154/6 169/20 171/8 171/13 186/14 186/14 191/2 191/10 198/24 210/10 224/16
 dozens [2] 91/25 92/6
 Dr. [6] 73/17 74/9 74/10 75/20 76/4 196/11
 Dr. Donald [1] 76/4
 Dr. Eisenberg [3] 74/9 75/20 196/11
 Dr. Jentzen [1] 74/10
 Dr. Leslie [1] 73/17
 dramatic [2] 33/16 34/8
 draw [4] 7/6 52/8 57/4 117/17
 drawing [1] 59/7
 drink [1] 131/22
 drive [2] 171/8 212/25
 driven [3] 36/3 68/12 76/22
 driver's [1] 168/15
 drives [1] 84/17
 driveway [6] 137/11 137/23 139/15 169/19 169/19 171/13
 dropped [2] 77/2 82/25
 drove [1] 106/20
 dry [1] 211/9
 due [1] 163/13
 dug [2] 185/5 191/19
 duly [3] 102/14 123/8 133/9
 during [34] 5/5 5/19 6/3 6/9 7/14 7/14 7/21 8/4 8/9 20/22 23/6 27/6 27/7 47/13 54/8 54/9 54/17 68/1 71/12 97/7 97/13 98/7 98/25 108/3 108/12 109/6 115/21 165/10 204/23 205/10 211/11 215/15 221/12 221/22
 dusk [2] 149/2 150/24
 duties [2] 105/24 133/22
 duty [3] 5/6 7/2 20/13
 dynamic [1] 60/23

E

EAA [1] 129/14
 each [19] 6/7 7/1 7/23 10/10 14/18 17/23 23/17 26/10 37/11 40/1 86/17 86/18 86/23 89/12 96/15 157/7 180/2 206/25 209/17
 Earl [1] 198/18
 earlier [7] 30/19 67/22 69/5 162/8 192/3 193/8 202/6
 early [5] 28/14 30/13 36/20 89/3 197/19
 earth [1] 73/12
 easier [1] 117/23
 easily [5] 35/3 95/16 159/9 202/17 202/19
 east [11] 23/19 137/16 139/19 140/8 152/24 160/8 171/16 185/25 187/18 190/8 190/23
 easy [1] 206/11

EDELSTEIN [17] 1/21 3/16 4/12 54/12 100/1 100/3 101/6 101/15 196/20 200/7 202/1 202/4 208/6 208/9 211/25 221/8 221/10
 edge [4] 30/11 156/9 158/11 185/15
 Edition [1] 108/21
 educated [2] 93/12 113/25
 education [1] 104/14
 effect [4] 59/23 61/8 222/12 222/15
 effort [4] 36/18 37/1 94/5 199/14
 efforts [10] 24/22 25/10 36/20 48/13 48/14 114/14 116/4 116/21 179/18 180/9
 eight [3] 45/23 50/15 184/20
 Eisenberg [4] 73/17 74/9 75/20 196/11
 either [19] 9/1 9/12 13/12 13/22 16/16 17/1 22/25 27/18 34/4 35/22 42/2 115/5 116/19 131/4 145/15 171/9 180/24 207/11 217/4
 electronic [1] 164/6
 electronically [1] 182/23
 electronics [1] 80/16
 elements [7] 10/23 12/21 15/6 15/25 18/10 18/22 27/12
 elevated [1] 185/15
 elevation [2] 143/5 191/10
 Eleven [5] 123/24 132/6 132/7 132/11 132/19
 elicit [1] 99/17
 elicited [2] 99/23 99/25
 ELMO [1] 128/10
 else [7] 5/16 80/2 81/15 122/24 162/21 210/20 212/7
 emotion [1] 93/15
 emotions [1] 93/10
 empathy [1] 66/9
 employed [3] 133/18 134/3 196/25
 employee [2] 43/12 197/3
 employment [1] 104/22
 empty [1] 188/10
 enclosed [4] 36/1 152/9 152/10 201/7
 encourage [7] 22/19 58/4 58/6 60/3 60/4 94/6 94/9
 end [23] 29/7 37/9 63/22 64/13 83/1 86/22 87/15 87/19 88/2 88/14 96/10 96/12 96/23 97/9 97/15 122/1 129/20 129/21 134/24 134/25 137/12 137/24 144/1
 ended [2] 159/7 205/25
 enforcement [40] 25/8 35/12 37/1 37/13 44/16 48/14 49/9 62/2 77/19 78/3 90/23 114/25 116/21 117/16 117/18 127/14 135/1 135/3 135/10 135/17 138/15 140/24 142/5 142/7 144/21 145/3 146/5 146/21 149/6 162/18 162/21 169/25 177/21 180/13 197/21 198/3 202/6 204/20 208/3 224/19
 engaged [1] 114/15
 enjoyed [3] 103/10 104/11 105/10
 enlarge [1] 207/11
 enough [3] 23/1 96/4 178/13
 enter [1] 172/18
 entered [2] 146/23 151/12
 entire [4] 62/20 63/1 63/16 139/18
 entirely [2] 89/15 94/23
 entirety [1] 8/14
 entitled [2] 99/17 215/13
 entrance [12] 73/22 74/3 74/6 164/16 164/17 164/20 171/16 184/23 184/24 187/24 187/25 190/25
 entry [2] 143/20 165/2
 episodes [1] 51/15
 equipment [8] 34/22 34/24 164/6 181/16 207/8 207/11 207/13 209/22
 error [2] 183/3 216/19
 Ertl [5] 78/7 78/11 149/10 149/10 150/21
 Ertl's [1] 149/13

<p>E</p> <p>escalating [1] 92/17</p> <p>escape [1] 20/11</p> <p>escapes [1] 182/4</p> <p>especially [2] 105/12 114/8</p> <p>essence [1] 136/7</p> <p>essentially [10] 137/11 137/25 143/10 145/1 159/2 159/19 162/15 183/20 190/6 191/25</p> <p>establish [1] 12/16</p> <p>established [1] 45/17</p> <p>establishing [2] 12/11 19/13</p> <p>evaluate [1] 69/14</p> <p>evaluating [1] 8/10</p> <p>even [26] 11/19 36/20 39/12 42/1 52/10 57/3 62/1 64/5 64/17 69/24 73/24 76/3 87/14 88/11 89/6 89/10 110/1 112/6 112/7 112/12 112/12 145/16 147/17 186/19 187/8 219/12</p> <p>evening [11] 35/15 75/10 120/14 163/15 163/17 165/12 174/14 174/20 193/17 193/23 194/13</p> <p>event [2] 66/3 105/14</p> <p>ever [23] 21/14 44/20 106/6 106/11 106/12 106/15 107/19 109/13 120/15 122/14 122/17 122/18 122/22 124/13 125/3 125/21 127/8 129/1 130/16 131/17 172/7 202/23 220/3</p> <p>every [16] 19/6 19/13 20/14 37/11 37/17 58/10 58/11 59/2 75/20 76/1 88/18 155/4 157/7 157/12 180/3 206/23</p> <p>everybody [3] 21/3 53/3 57/24</p> <p>Everyday [1] 82/24</p> <p>everything [4] 25/18 56/24 57/7 211/10</p> <p>evidence [137] 5/7 5/13 6/9 6/14 6/15 6/17 7/4 7/8 7/10 7/12 8/8 8/11 8/15 9/25 10/21 12/15 14/9 15/4 17/14 18/8 19/3 19/10 19/16 19/18 20/1 20/2 20/20 20/21 20/24 21/24 22/4 24/13 26/4 26/6 26/9 26/11 26/21 26/22 27/1 27/1 27/3 27/4 28/7 28/25 29/6 31/9 31/9 31/13 31/22 33/14 34/15 34/23 35/13 35/25 38/11 38/22 40/9 40/17 41/2 41/11 41/20 43/16 44/17 44/20 46/13 47/25 49/6 50/20 52/17 53/6 53/11 54/10 54/19 55/6 55/8 56/22 57/24 59/12 59/20 60/15 61/10 61/22 64/15 69/22 70/7 70/15 70/24 71/3 71/23 72/15 72/22 73/4 75/3 76/14 76/15 81/1 81/18 81/21 86/10 86/24 87/20 88/6 89/18 89/22 90/3 90/5 91/8 95/24 96/13 98/20 99/8 99/13 99/20 99/22 100/12 149/16 161/8 161/14 163/12 163/14 165/11 165/15 165/15 165/17 165/20 182/15 182/16 189/3 189/5 189/9 214/20 215/10 217/3 223/14 223/21 223/24 224/2</p> <p>evidentiary [5] 98/18 151/24 170/1 180/25 201/24</p> <p>ex [1] 207/22</p> <p>exact [1] 200/3</p> <p>exactly [1] 77/6</p> <p>exam [2] 204/23 215/15</p> <p>examination [19] 3/9 3/10 3/12 3/15 3/16 3/17 6/19 41/22 50/1 98/19 99/18 100/17 102/19 122/12 123/14 133/15 196/22 200/23 223/5</p> <p>examine [2] 19/2 42/1</p> <p>examined [15] 42/18 45/16 50/4 72/22 102/15 123/9 133/10 151/22 155/18 157/7 157/11 157/12 200/22 206/24 219/23</p> <p>example [3] 27/25 180/20 205/21</p> <p>excavate [1] 43/5</p> <p>except [1] 7/14</p> <p>exception [1] 205/12</p> <p>exclude [1] 215/5</p> <p>excluded [1] 215/4</p> <p>exclusion [1] 73/12</p>	<p>excuse [11] 23/20 47/21 49/18 53/1 53/6 53/10 53/15 93/12 147/1 164/3 164/4</p> <p>excused [1] 5/19</p> <p>execute [1] 162/18</p> <p>executed [1] 145/8</p> <p>exemplar [1] 45/14</p> <p>exhibit [122] 103/24 105/18 106/24 110/15 110/23 110/24 114/2 114/5 118/14 118/17 119/6 119/10 119/20 120/19 121/1 121/10 121/13 125/7 127/4 127/6 127/7 127/10 127/18 129/5 129/7 129/10 130/3 130/7 130/12 136/19 136/19 136/21 137/4 139/8 140/1 141/7 141/8 141/9 142/19 142/21 142/23 143/23 144/3 146/8 146/25 147/8 147/23 148/25 149/22 149/24 150/12 150/13 150/21 151/1 153/10 155/6 155/20 156/25 157/19 158/17 159/12 163/18 164/9 164/21 165/3 165/25 166/7 167/2 167/14 168/1 168/14 168/17 169/2 170/3 170/14 170/22 171/19 172/3 173/1 173/7 173/16 173/17 173/20 174/2 174/10 174/15 175/24 175/25 176/1 176/2 176/21 178/1 178/14 178/17 183/5 183/19 184/3 184/10 184/15 184/25 185/9 185/10 185/17 185/22 186/10 186/25 187/12 188/4 188/6 188/13 188/21 192/19 192/25 198/25 202/5 211/22 211/22 213/3 215/19 217/14 218/1 218/17</p> <p>exhibits [12] 3/18 6/21 88/7 146/7 148/19 148/20 155/1 176/10 176/12 196/1 213/14 216/24</p> <p>exist [1] 11/24</p> <p>existence [1] 207/23</p> <p>exists [1] 11/15</p> <p>exit [2] 187/20 187/25</p> <p>exonerated [3] 31/3 31/7 31/19</p> <p>expect [4] 20/20 38/15 93/22 143/18</p> <p>experience [1] 165/20</p> <p>expert [7] 51/13 69/16 73/18 74/18 80/8 158/21 219/22</p> <p>expertise [2] 24/12 105/7</p> <p>explain [7] 26/25 60/2 69/21 70/23 86/10 95/1 190/3</p> <p>explained [1] 154/4</p> <p>explains [2] 42/10 61/17</p> <p>explanation [1] 27/25</p> <p>explanations [1] 66/8</p> <p>exposed [3] 6/1 6/5 94/18</p> <p>express [2] 59/17 159/5</p> <p>expressing [1] 59/15</p> <p>expression [1] 66/9</p> <p>expressions [2] 81/4 94/14</p> <p>extent [3] 203/8 207/19 217/23</p> <p>exterior [4] 43/18 43/19 186/19 186/19</p> <p>Extreme [1] 108/20</p> <p>eye [3] 95/7 182/12 184/1</p> <p>eyes [1] 114/20</p> <p>eyewitness [1] 75/14</p> <p>F</p> <p>F-a-s-s-b-e-n-d-e-r [1] 133/14</p> <p>facial [1] 94/14</p> <p>facing [2] 148/1 166/4</p> <p>fact [33] 7/7 19/13 25/11 26/17 34/13 35/19 37/7 45/12 49/8 51/6 52/9 57/13 57/20 58/21 72/1 72/17 76/16 96/25 112/24 145/14 161/23 168/1 172/18 198/7 198/16 201/21 206/10 213/22 218/4 219/11 219/24 220/22 221/25</p> <p>factor [1] 11/4</p> <p>factors [1] 151/12</p> <p>facts [7] 6/23 12/4 15/20 22/9 61/22 78/2 81/12</p> <p>Fails [1] 95/6</p>	<p>fair [9] 20/1 63/8 158/9 169/9 169/10 197/9 198/12 206/11 211/11</p> <p>FALLON [8] 1/15 4/7 24/3 24/5 98/16 98/24 100/20 223/20</p> <p>false [2] 62/5 62/6</p> <p>familiar [6] 26/19 33/12 44/2 106/19 167/10 181/5</p> <p>family [19] 21/18 21/19 48/9 50/25 82/8 103/2 103/5 103/13 107/25 108/11 111/13 112/5 114/15 115/8 115/23 121/4 121/10 121/15 198/17</p> <p>fanciful [1] 81/4</p> <p>far [7] 128/18 141/8 156/12 157/19 159/13 168/3 187/3</p> <p>farm [2] 109/9 160/12</p> <p>farmers [1] 115/25</p> <p>farmhouse [2] 103/21 104/7</p> <p>FASSBENDER [33] 3/14 25/3 36/17 39/12 55/19 78/15 90/21 127/17 133/7 133/8 133/13 133/17 136/11 144/7 149/20 155/5 162/6 165/6 167/10 169/7 172/7 177/4 179/15 181/2 185/8 189/17 190/1 193/5 196/24 212/1 213/2 221/22 223/7</p> <p>father [1] 138/11</p> <p>favor [1] 24/17</p> <p>favorite [1] 107/21</p> <p>FBI [1] 80/15</p> <p>fear [1] 20/9</p> <p>February [11] 55/16 56/7 89/3 176/4 193/10 193/18 193/23 195/16 195/20 222/14 222/17</p> <p>February 26 [1] 222/17</p> <p>February 27 [8] 55/16 56/7 176/4 193/10 193/23 195/16 195/20 222/14</p> <p>feel [6] 44/9 61/3 61/7 97/6 159/4 190/17</p> <p>feeling [1] 57/23</p> <p>feelings [2] 5/8 61/5</p> <p>feet [8] 41/9 84/6 156/15 158/2 183/2 212/1 212/19 212/23</p> <p>fellow [1] 225/3</p> <p>felt [1] 151/24</p> <p>female [7] 39/4 39/10 39/14 42/23 45/18 50/9 124/17</p> <p>fence [3] 147/6 150/18 169/21</p> <p>fencing [1] 148/5</p> <p>few [4] 41/9 50/2 53/9 122/10</p> <p>fiancé [1] 83/18</p> <p>fiber [1] 66/10</p> <p>fibers [1] 204/3</p> <p>field [6] 111/20 140/8 140/8 160/9 160/12 160/12</p> <p>figure [2] 60/13 60/15</p> <p>figures [1] 95/19</p> <p>final [6] 5/16 88/21 91/12 91/14 96/11 104/24</p> <p>finally [6] 24/9 52/16 147/23 170/22 174/15 188/21</p> <p>financial [1] 48/16</p> <p>find [47] 6/25 9/23 10/19 12/2 12/24 13/1 14/7 15/3 15/18 16/3 16/5 17/12 18/7 18/23 18/25 19/9 33/21 33/22 35/18 36/19 36/24 39/13 39/14 42/10 48/12 48/14 50/2 50/5 70/1 70/7 72/1 72/5 72/12 73/18 76/23 77/14 82/15 87/12 96/5 111/21 126/25 127/15 161/11 163/1 163/1 165/15 172/22</p> <p>finding [3] 19/8 40/21 72/11</p> <p>finds [1] 72/13</p> <p>fine [1] 101/3</p> <p>finger [4] 51/24 52/10 69/3 80/5</p> <p>fingerprint [1] 45/2</p> <p>fingerprints [4] 90/7 203/24 214/25 216/25</p> <p>finish [4] 62/25 87/2 195/6 199/24</p> <p>fire [19] 55/23 55/24 55/24 55/25 62/18 67/18 67/24 68/24 69/2 75/11 75/13 75/16</p>
--	--	--

F		
fire... [7] 76/14 85/4 85/15 86/5 86/6 168/25 195/8	four [16] 32/10 32/11 32/19 33/5 63/1 63/4 78/9 85/2 104/15 148/24 158/23 180/3 180/4 184/13 192/2 192/6	46/15 47/16 55/9 56/22 61/6 61/8 77/21 83/4 87/11 88/4 88/8 93/18 94/8 101/23 102/8 102/9 108/1 112/2 112/16 117/22 138/13 154/20 161/3 171/8 175/6 190/2 190/3 197/24 199/3 199/5 199/13 203/3 217/11 225/1
firearms [3] 49/5 186/25 187/4	four-foot [1] 78/9	gets [10] 47/22 65/17 77/22 83/6 83/8 84/16 85/20 86/7 93/23 168/1
firefighter [1] 169/24	fourteen [3] 132/6 132/11 132/20	getting [5] 72/5 149/2 197/14 205/14 212/12
firefighters [2] 37/13 180/11	fourth [2] 90/14 95/6	Gibson [1] 30/9
firemen [1] 206/22	fourth-grade [2] 90/14 95/6	girl [4] 63/14 67/17 82/9 82/10
firings [1] 73/7	FOX [4] 1/11 27/21 220/5 221/1	girlfriend [4] 69/6 80/21 80/24 121/19
first [72] 6/17 8/17 9/1 9/17 9/20 9/24 10/3 10/8 10/14 10/20 12/22 14/16 16/6 16/16 17/7 17/9 17/13 17/16 17/21 18/2 18/22 23/13 23/16 27/9 27/11 27/14 30/20 32/6 32/7 35/15 36/14 36/14 36/19 39/6 41/16 45/23 50/15 53/16 59/4 59/5 59/14 64/18 75/4 83/6 83/8 88/5 92/18 99/4 99/20 102/14 109/20 112/7 112/12 116/7 123/8 125/14 133/9 139/7 140/16 146/7 149/10 151/21 157/11 162/13 172/25 177/13 178/25 181/4 196/7 204/9 218/1 221/23	fragment [5] 75/22 89/25 189/6 189/7 189/10	girls [2] 103/16 108/22
fit [10] 22/3 26/9 26/12 26/12 36/8 50/20 50/20 55/5 55/6 174/13	fragmentary [1] 45/19	give [24] 4/19 12/16 20/13 20/19 22/17 40/5 41/4 50/22 56/15 58/24 63/15 86/25 96/9 96/14 96/16 104/10 119/10 120/5 128/8 157/20 159/13 160/20 178/9 179/20
five [10] 46/11 79/22 83/3 83/25 85/2 103/3 109/12 114/4 145/8 197/5	fragments [3] 41/13 89/24 217/19	given [15] 4/22 5/7 19/24 19/25 33/19 62/20 102/3 114/3 141/7 172/13 172/17 177/23 205/10 207/23 208/23
fix [2] 25/22 32/5	frame [2] 68/8 208/18	gives [2] 47/4 63/19
fixed [3] 46/2 54/3 182/16	free [3] 31/8 56/23 129/15	giving [6] 23/11 54/13 55/17 61/1 93/20 129/15
flames [1] 75/12	freelance [1] 29/2	gladly [1] 105/15
flattened [1] 207/10	FREMGEN [18] 1/19 3/6 3/10 4/11 4/11 4/25 5/1 54/12 82/18 98/6 100/1 120/21 120/24 122/10 132/17 160/24 179/9 179/10	glass [1] 186/20
flavor [2] 44/8 50/23	fresh [1] 23/9	glasses [1] 25/1
flies [3] 212/11 212/15 212/16	Friar [2] 174/5 174/6	Glenfield [2] 37/23 67/2
floor [9] 66/24 67/1 78/5 175/18 189/8 194/8 194/15 195/5 221/25	Friday [4] 114/13 114/16 114/16 115/6	go [47] 21/16 29/23 35/12 43/24 48/6 50/22 63/24 70/12 83/7 83/10 83/16 83/19 85/9 85/19 88/4 88/22 89/5 92/1 97/11 102/1 104/8 106/3 106/5 112/19 116/13 124/4 124/5 124/25 125/3 126/20 138/12 138/21 139/2 149/20 150/20 160/19 163/4 163/11 166/23 183/5 199/23 204/8 208/8 209/7 211/20 212/17 218/14
flow [1] 87/17	friend [5] 29/4 83/6 83/9 83/16 115/11	goes [15] 47/7 57/22 67/6 84/15 86/7 86/8 92/22 94/11 101/18 128/19 129/21 130/9 137/11 143/4 187/21
fluids [3] 52/20 204/2 205/20	friends [5] 21/18 48/9 103/5 112/9 115/8	going [185] 4/19 21/11 21/14 25/7 25/11 25/22 25/24 26/4 26/11 26/12 27/4 28/22 28/25 29/6 31/20 32/1 32/3 35/15 35/25 36/8 36/25 37/17 37/20 38/4 38/7 38/15 39/22 40/14 41/11 41/13 41/23 43/10 43/16 43/23 43/24 44/7 44/7 44/15 44/18 45/6 45/24 46/1 46/5 46/6 46/10 46/13 46/16 46/22 47/10 47/12 47/17 50/19 50/22 51/5 51/9 51/11 51/16 52/16 52/18 53/4 53/8 53/9 54/8 54/16 54/18 54/19 55/8 56/18 57/7 57/9 57/13 57/14 57/19 57/25 58/7 58/18 59/20 59/21 59/24 60/4 60/20 61/14 62/1 62/10 62/19 62/22 62/25 63/3 63/12 63/24 64/14 64/20 64/21 65/19 65/25 66/1 66/18 66/22 67/19 68/11 69/15 70/1 70/10 70/19 70/21 71/3 71/10 71/16 72/20 73/4 78/6 79/3 79/9 79/13 79/22 80/12 81/2 81/3 81/5 81/19 81/21 84/12 84/24 89/4 89/8 90/8 97/24 101/16 103/23 104/8 105/17 108/4 110/14 110/22 110/23 116/12 118/13 119/9 125/6 128/8 128/9 129/5 129/6 130/3 137/10 137/23 139/7 142/4 146/7 147/23 151/4 154/1 154/6 158/16 159/3 159/13 159/13 159/24 160/15 162/1 162/20 164/1 166/5 166/23 166/25 169/20 171/13 171/15 172/3 172/10 172/25 173/15 176/11 179/21 183/5 187/19 193/7 195/9 209/7 210/14 212/17 223/20 224/24 224/25 225/1
flung [1] 51/10	front [28] 50/13 51/25 52/1 52/2 72/7 79/5 107/1 121/25 148/1 149/8 149/17 164/10 164/14 164/19 164/19 167/3 167/5 167/22 171/21 171/23 171/25 184/5 184/22 189/5 190/12 190/13 190/20 192/9	golf [4] 84/19 172/2 172/5 184/6
flush [1] 101/13	fuel [2] 55/24 168/24	gone [3] 79/15 125/21 191/3
fob [7] 129/23 129/24 130/8 130/11 130/13 130/13 130/18	Fuentes [11] 79/9 79/20 79/21 126/7 126/9 126/13 126/15 126/25 127/21 128/7 128/21	good [15] 21/5 27/23 60/20 93/24 93/24 93/25 95/20 98/16 102/21 105/13 115/11 148/2 160/16 203/9 224/23
focal [1] 94/24	full [6] 49/7 53/2 55/9 77/22 110/4 142/13	goof [1] 107/22
focus [2] 89/19 91/24	fully [1] 104/22	got [33] 38/17 55/7 70/10 80/15 81/24 81/24
focused [2] 57/2 115/19	functioning [1] 95/5	
folded [1] 170/17	functions [1] 5/4	
folks [2] 145/18 200/14	funnel [2] 56/17 56/20	
follow [2] 27/24 57/7	fur [1] 176/23	
followed [2] 114/23 163/3	further [16] 43/5 50/3 50/7 97/9 99/13 100/17 104/4 116/20 145/18 147/4 149/20 171/3 194/21 196/2 224/16 225/6	
following [5] 10/23 15/6 18/10 42/14 210/1	G	
follows [3] 102/15 123/9 133/10	GAHN [5] 1/17 4/8 24/9 24/10 24/12	
foot [1] 78/9	game [1] 96/22	
footprints [2] 211/3 211/13	games [3] 83/11 83/22 125/3	
footwear [1] 211/16	garage [86] 37/3 41/10 43/19 49/5 56/5 66/23 67/17 68/19 68/20 70/12 70/13 71/14 71/19 71/21 72/2 72/6 72/7 72/11 72/18 74/8 75/12 78/5 78/18 79/24 84/24 85/8 85/9 90/1 137/15 139/14 139/22 163/21 164/12 164/13 164/14 165/24 166/2 166/20 167/4 167/6 168/22 168/25 175/18 175/18 183/16 183/17 183/23 183/23 184/6 184/11 184/17 185/2 185/3 185/21 186/1 186/3 186/3 187/22 188/13 188/15 188/17 188/18 188/23 188/24 189/2 189/6 189/8 189/12 190/7 190/21 191/11 191/12 191/14 191/16 191/25 192/11 192/14 194/8 194/14 194/15 195/5 195/10 217/15 217/20 217/23 221/18	
force [1] 65/22	garbage [3] 85/3 85/4 94/19	
forefront [1] 192/11	gas [2] 68/21 205/15	
foregoing [2] 226/7 226/7	gasoline [4] 85/11 85/17 195/2 205/21	
foreground [2] 163/22 166/3	gave [9] 20/25 65/1 121/6 129/1 129/11 129/13 130/14 130/21 222/14	
forensic [9] 42/19 56/12 56/15 76/4 95/9 151/10 152/13 181/15 201/1	GB [3] 104/15 104/17 104/24	
form [2] 27/17 215/6	general [2] 133/25 208/11	
formation [1] 11/20	generally [2] 126/1 181/8	
formed [1] 11/22	generated [5] 43/4 43/9 44/11 181/3 184/8	
Forty [1] 170/24	genetic [2] 45/2 52/22	
Forty-six [1] 170/24	gentleman [5] 24/6 25/1 43/11 80/13 149/9	
forward [2] 46/1 157/10	gentlemen [3] 76/19 160/18 225/7	
found [70] 12/2 12/3 15/18 15/19 31/12 33/14 34/16 34/17 36/21 36/22 38/2 39/3 39/4 40/16 40/22 41/9 41/13 43/7 48/23 49/16 49/17 50/5 51/16 51/19 52/17 52/23 71/7 71/7 71/11 72/10 74/11 75/21 76/5 76/8 76/24 77/7 77/24 78/21 79/25 80/1 80/20 89/23 90/1 90/2 113/7 115/5 116/18 117/25 118/4 119/22 126/10 141/2 142/10 146/14 150/14 157/16 161/18 164/6 169/12 169/14 169/18 170/6 171/5 173/12 188/4 199/2 199/18 205/9 215/3 220/1	German [1] 42/6	
	get [40] 23/3 23/7 36/10 39/7 44/4 44/8	

G

got... [27] 82/1 84/24 94/13 108/11 110/4
111/17 115/12 129/12 129/19 132/2 134/10
134/17 135/15 147/14 162/15 165/22 175/13
175/17 198/16 200/2 200/10 201/4 203/4
204/9 218/1 218/17 221/17
gotten [2] 39/7 41/24
government [2] 220/19 220/21
grade [2] 90/14 95/6
graduate [1] 29/2
graduated [2] 104/15 105/1
graduation [1] 105/14
grandpa's [1] 131/9
grandparents [1] 33/1
graphic [3] 48/4 64/4 65/10
grave [1] 76/20
gravel [1] 160/3
gray [1] 127/5
great [7] 21/8 39/4 103/6 152/21 153/15
153/15 217/24
greatest [1] 183/1
Greatly [1] 219/21
green [7] 83/19 104/17 104/25 114/23 117/8
146/3 146/11
ground [1] 211/8
group [1] 115/12
Guard [1] 129/9
guarding [3] 42/7 199/19 199/21
guess [4] 80/17 124/24 135/2 142/15
guesswork [1] 20/7
guilt [4] 12/11 12/16 19/14 20/9
guilty [25] 9/7 9/23 10/20 12/25 13/1 13/17
14/7 15/3 16/4 16/5 16/21 17/12 18/7 18/24
19/1 19/9 19/12 19/15 19/17 19/21 26/13
60/7 60/16 82/16 97/17
gun [5] 38/2 73/11 73/13 73/14 187/5
guns [1] 73/12
gunshot [1] 74/11
guy [1] 21/4
guys [3] 115/24 125/18 131/2

H

H-a-l-b-a-c-h [2] 102/18 123/13
habit [1] 130/24
had [142] 11/9 18/11 18/15 23/17 29/4 31/2
39/7 39/18 39/18 41/24 45/8 45/9 50/12
53/25 55/2 69/6 82/7 85/11 86/23 86/24
87/23 98/10 100/10 103/6 103/8 105/14
106/11 106/12 106/17 106/17 107/3 107/4
107/14 109/13 109/21 110/10 110/13 111/16
111/23 111/24 112/2 112/11 114/21 114/23
115/11 115/18 115/18 115/20 115/21 116/10
116/18 117/1 117/4 118/9 119/4 120/5
120/15 122/17 122/19 122/22 125/16 125/21
126/7 126/17 126/18 127/24 130/21 131/17
134/12 134/13 135/13 135/25 136/3 136/18
136/24 139/11 140/17 141/1 141/6 142/5
145/21 145/22 146/4 146/4 146/20 146/22
148/19 149/15 151/24 152/7 154/2 154/3
156/23 162/2 162/8 162/9 163/2 163/14
164/15 165/1 165/2 166/13 166/22 167/18
167/19 168/5 168/6 169/24 170/17 170/18
172/7 173/25 174/5 174/8 177/7 177/15
183/2 186/16 189/20 194/12 194/15 197/21
198/25 205/25 206/2 206/10 206/24 207/8
207/10 207/11 209/1 216/5 216/7 216/12
216/14 219/4 219/6 219/22 220/5 221/13
221/14 226/13
hadn't [4] 109/24 112/20 112/24 157/16
hair [2] 31/13 90/7
HALBACH [83] 3/8 3/11 10/25 11/2 11/6
15/8 15/10 15/12 18/12 18/13 18/16 18/19

21/18 21/19 28/23 28/24 29/1 29/1 29/2
29/15 29/25 30/6 30/16 35/21 36/23 38/10
40/9 43/1 45/15 45/21 46/5 46/9 46/18 47/12
47/13 47/22 48/4 48/9 50/25 55/23 56/2 64/2
65/20 66/4 66/14 66/25 67/7 74/14 74/20
76/1 76/6 78/24 79/4 81/24 91/5 102/12
102/13 102/18 102/21 102/23 106/19 109/20
111/10 113/17 116/15 117/22 118/7 119/24
120/13 120/16 122/17 123/4 123/7 123/12
123/18 134/15 167/11 177/7 177/15 177/24
178/7 178/19 215/4
Halbach's [26] 33/23 33/24 34/16 35/5
37/19 40/19 50/14 52/18 55/1 56/10 66/21
72/13 73/20 78/20 80/18 80/19 95/25 142/9
146/6 153/22 156/6 156/17 156/21 159/6
161/21 169/11
half [5] 50/18 50/21 85/16 85/19 183/3
Halloween [5] 28/24 29/7 29/9 40/11 108/10
hand [15] 23/3 32/14 88/19 103/23 105/17
110/14 114/19 123/6 136/24 140/14 141/12
147/18 157/25 174/24 175/1
handcuffs [19] 65/4 71/11 173/14 173/18
176/14 176/17 213/5 213/10 214/21 214/22
215/3 223/9 223/13 223/16 223/25 224/3
224/5 224/7 224/10
handed [6] 66/20 127/3 136/18 136/18
171/19 176/21
handle [1] 51/17
handler [4] 153/16 153/20 153/21 210/10
handles [2] 173/11 199/12
handling [1] 52/24
hands [3] 4/17 78/14 87/24
hanging [3] 38/1 38/2 73/2
happen [5] 56/9 77/5 77/25 154/4 220/3
happened [21] 33/21 33/22 39/18 39/18
56/25 58/24 59/23 60/1 60/9 60/17 60/20
64/1 74/8 86/11 87/3 87/12 108/18 151/15
155/16 162/15 178/11
happening [2] 151/2 200/13
happens [4] 31/23 48/4 59/3 216/21
hard [4] 64/24 103/5 128/20 209/20
harder [1] 79/1
has [43] 6/7 6/21 6/25 18/4 24/12 26/14
27/12 27/16 28/3 30/12 64/23 64/23 65/23
79/20 84/8 84/18 85/25 86/4 86/12 86/23
91/1 95/13 96/23 98/21 110/14 110/18 125/6
134/7 138/6 139/5 139/7 149/3 158/3 173/15
175/21 177/4 178/12 188/24 192/23 205/16
216/25 217/3 226/8
hasn't [3] 36/21 86/21 196/6
Hau [3] 2/3 226/4 226/19
have [172] 4/20 5/4 5/14 6/24 7/1 8/2 8/5
9/20 9/21 10/6 14/4 14/14 17/10 17/10 17/19
18/23 21/6 21/14 22/1 22/7 22/8 22/15 23/24
24/18 25/21 26/18 27/24 28/20 28/21 30/16
32/4 44/10 45/25 46/1 54/2 54/14 55/10
55/14 57/7 58/1 59/17 59/19 59/19 60/11
61/3 61/16 62/18 63/3 63/15 63/16 63/17
65/7 65/12 69/15 69/23 76/14 79/17 80/6
80/7 82/19 82/20 86/15 86/16 86/18 89/11
96/7 96/19 96/24 97/2 98/14 100/10 101/3
101/22 102/4 102/25 103/16 104/13 104/23
105/7 105/25 106/2 109/17 110/23 113/12
114/2 120/13 121/5 122/5 122/10 122/14
127/8 127/9 127/15 128/8 128/9 128/20
129/5 130/4 131/22 133/2 138/14 142/9
145/6 145/8 145/9 146/6 148/19 150/3 156/8
159/7 159/8 159/10 161/6 165/19 165/20
172/7 173/3 176/6 181/1 181/2 181/17
189/18 189/21 192/22 193/5 195/3 195/13
195/14 195/16 196/2 196/24 197/16 198/4
199/7 200/7 201/5 201/21 202/23 205/7
205/9 205/18 206/3 207/12 208/6 208/9

208/23 209/3 209/20 210/23 211/1 211/4
212/12 215/25 217/7 218/21 219/11 219/23
219/24 219/25 219/25 220/1 220/12 222/6
222/7 222/9 222/10 222/19 222/22 223/8
223/20 223/21 224/5
haven't [3] 155/2 203/14 219/24
having [16] 22/11 45/5 51/10 79/12 95/5
100/4 102/14 104/11 123/8 133/9 151/14
192/24 194/6 200/20 204/12 220/3
he [168] 9/12 11/6 13/22 17/1 26/14 27/11
28/5 31/2 31/3 31/3 31/16 38/11 43/11 43/16
52/11 52/12 52/24 52/25 54/5 54/20 54/21
54/21 54/21 55/2 55/13 55/13 55/20 55/22
55/22 55/23 55/24 56/4 56/4 56/5 56/10
62/15 62/15 62/17 63/12 63/13 64/5 64/6
64/6 64/7 64/11 64/12 64/22 64/22 64/23
65/4 65/7 65/11 65/20 65/23 67/15 67/15
68/5 69/13 69/13 72/1 75/8 75/9 75/10 75/13
75/13 75/15 75/15 78/15 80/3 81/9 81/9 82/3
82/6 83/8 83/11 84/7 84/14 84/16 84/17 85/7
85/23 85/23 85/24 85/25 86/3 86/4 91/6 91/7
92/19 93/5 93/5 93/16 93/22 93/23 95/10
95/13 95/20 95/22 101/18 101/18 102/1
109/23 110/2 110/4 111/22 111/23 111/24
111/24 111/25 112/17 112/20 112/22 113/24
115/11 116/11 116/25 116/25 117/13 139/21
168/18 173/25 174/7 174/8 174/8 174/13
174/13 174/19 175/11 175/12 175/13 175/17
175/17 175/17 181/14 183/2 189/20 190/19
190/19 194/12 194/12 194/13 194/16 194/16
194/18 194/19 194/22 194/25 195/1 195/4
195/7 195/12 195/12 195/13 195/13 195/16
208/2 208/4 212/10 218/18 220/8 221/14
221/18 222/6 222/8 222/10 222/19 222/20
222/20
he'd [1] 202/17
he's [17] 24/6 49/22 55/17 55/21 64/21 66/5
84/12 84/12 84/24 93/20 93/23 95/11 128/12
149/14 181/16 181/24 182/3
head [8] 67/4 67/5 73/15 74/7 74/11 74/13
74/14 93/24
headed [1] 190/23
healing [1] 52/7
health [1] 203/9
hear [142] 5/20 6/13 20/25 21/3 26/20 28/6
28/25 29/6 31/7 31/17 31/20 33/13 34/8
34/15 34/23 35/4 35/8 35/9 35/15 35/25
36/17 36/25 37/17 37/20 37/24 37/25 38/4
38/7 38/15 38/16 38/22 39/11 39/22 40/11
40/14 40/17 41/11 41/13 41/23 42/16 43/16
44/6 44/15 44/19 45/6 46/5 46/6 46/10 46/16
46/22 47/10 47/12 47/17 47/25 48/3 48/19
48/22 49/2 49/5 49/13 49/23 51/1 51/2 51/5
51/10 51/11 51/16 52/16 52/18 55/8 56/12
56/13 56/16 57/9 57/13 57/14 57/19 58/7
58/15 58/18 58/21 59/13 59/20 59/21 59/24
60/6 60/8 60/10 60/16 60/19 60/24 61/9
61/10 61/11 61/14 62/10 63/12 64/17 64/20
64/21 65/19 65/20 65/25 66/17 66/22 67/19
68/11 70/10 71/10 72/21 73/4 73/7 73/16
73/21 74/17 75/5 75/17 76/3 78/6 79/3 79/10
79/13 79/22 80/13 87/20 87/25 88/2 89/22
90/1 90/3 90/4 93/3 94/2 95/21 95/22 164/1
166/18 177/12 179/22 187/19 195/19 224/8
heard [19] 24/3 44/13 44/14 92/5 100/4
106/11 106/12 109/21 111/16 112/2 117/15
120/16 122/14 131/18 132/14 132/20 160/25
166/18 172/12
Hearing [2] 98/23 98/24
hears [2] 64/6 64/6
hearsay [1] 101/1
heavy [2] 77/10 202/13
height [2] 182/1 182/2

<p>H</p> <p>Heimerl [1] 164/2</p> <p>held [1] 142/12</p> <p>help [17] 45/24 54/21 54/22 55/24 60/15 64/12 66/16 68/5 69/21 81/9 82/11 85/7 85/17 112/8 130/3 180/15 180/16</p> <p>helped [5] 52/13 67/15 67/15 69/13 113/25</p> <p>helping [2] 24/16 175/17</p> <p>helps [1] 55/24</p> <p>her [104] 15/13 29/4 29/5 29/17 31/21 32/17 32/19 36/21 36/24 44/14 46/15 47/7 47/8 48/12 48/17 48/18 48/23 51/16 52/12 65/4 65/24 66/5 66/24 67/3 67/5 67/8 67/9 67/9 69/1 71/6 73/15 74/20 75/1 76/11 79/1 79/11 80/3 82/2 82/11 83/18 103/4 103/11 104/7 104/7 104/11 104/24 105/2 105/24 106/3 106/7 107/1 107/14 107/18 110/3 110/3 110/5 110/6 110/17 110/19 111/6 111/16 111/24 112/2 112/11 112/13 112/20 112/21 112/21 112/23 112/25 113/6 113/9 113/13 115/5 115/14 116/9 116/12 116/12 117/3 117/4 117/5 118/9 118/10 118/11 119/8 120/1 122/22 124/10 125/25 126/15 126/21 126/21 126/22 127/1 127/25 129/3 130/21 130/22 157/16 163/1 173/9 177/24 224/6 224/7</p> <p>here [46] 21/4 30/8 33/22 53/5 54/3 62/1 65/6 67/25 71/24 87/18 88/18 88/22 97/25 100/9 101/25 102/8 132/21 137/7 137/9 137/13 138/3 138/6 139/12 139/17 140/10 141/14 141/17 141/23 141/24 147/10 147/24 148/13 159/23 171/11 176/6 183/14 186/11 187/15 187/24 188/9 189/9 192/12 202/5 204/8 210/15 223/20</p> <p>here's [1] 138/9</p> <p>hereby [1] 226/6</p> <p>herein [3] 102/14 123/8 133/9</p> <p>hers [1] 131/4</p> <p>hesitate [1] 20/4</p> <p>Hi [1] 123/16</p> <p>hid [1] 77/2</p> <p>hidden [2] 208/20 208/24</p> <p>high [4] 75/12 82/22 90/13 104/14</p> <p>highly [1] 90/20</p> <p>highway [7] 143/21 143/22 143/22 144/2 159/22 159/23 171/18</p> <p>Hillegas [2] 115/11 116/10</p> <p>Hills [2] 220/6 221/1</p> <p>him [22] 25/4 66/5 93/5 93/14 95/5 95/21 105/2 110/3 111/20 117/12 149/17 168/14 193/12 194/21 199/24 219/13 221/13 221/17 222/6 222/9 222/13 222/14</p> <p>himself [5] 63/10 65/7 78/14 82/10 174/18</p> <p>his [81] 11/10 32/17 32/21 33/3 33/4 38/12 38/13 38/13 50/5 52/10 52/24 52/25 55/2 62/18 63/13 64/24 66/6 67/1 68/23 71/12 78/15 82/3 82/8 82/23 83/2 83/9 83/12 83/16 83/19 83/23 84/13 84/18 84/18 85/8 85/20 86/3 89/23 89/23 89/24 90/1 90/2 91/2 91/2 95/4 96/1 96/3 96/3 97/7 97/13 101/25 108/11 108/12 131/9 139/13 139/21 149/17 163/21 166/2 166/3 167/4 168/14 168/19 168/22 174/18 175/13 176/3 187/24 187/25 188/8 191/2 191/8 193/13 193/13 194/10 208/5 213/19 213/20 213/25 220/8 220/10 221/15</p> <p>history [1] 25/15</p> <p>hit [1] 35/20</p> <p>hold [3] 127/18 129/17 205/20</p> <p>holder [1] 187/17</p> <p>holding [2] 21/21 121/25</p> <p>holds [1] 128/4</p>	<p>home [19] 37/5 38/7 82/22 82/24 82/25 83/7 83/13 83/21 85/24 86/4 86/7 86/7 104/9 107/19 108/20 108/21 109/1 111/20 114/18</p> <p>homicide [14] 8/18 9/1 9/17 9/20 9/24 10/3 10/8 10/14 10/21 12/22 25/14 27/10 53/16 133/24</p> <p>HON [1] 1/11</p> <p>Honor [7] 98/17 100/3 101/15 121/12 160/13 196/21 202/1</p> <p>hood [31] 34/3 34/4 68/14 68/16 77/5 77/6 77/11 77/16 77/20 77/21 77/24 78/1 147/16 148/6 148/8 148/11 148/14 149/8 149/12 149/17 149/24 150/17 150/19 152/2 202/9 204/5 210/14 210/17 211/5 211/22 215/21</p> <p>hood's [1] 148/17</p> <p>hope [1] 37/9</p> <p>hopefully [2] 36/23 163/1</p> <p>hoping [2] 36/24 204/19</p> <p>hospital [1] 83/20</p> <p>hour [4] 11/18 55/10 85/16 85/19</p> <p>hours [5] 63/2 63/4 145/9 154/19 154/21</p> <p>house [22] 40/2 69/7 69/8 83/2 83/4 84/6 89/25 108/12 108/23 108/24 115/12 116/17 118/20 124/4 131/4 131/9 141/24 141/25 185/21 186/2 216/6 216/11</p> <p>how [72] 5/5 26/8 26/10 30/1 37/10 40/5 40/7 41/20 44/6 45/2 48/11 51/13 52/8 52/19 56/9 58/15 60/6 60/8 60/10 60/21 63/12 66/7 66/12 66/14 67/9 80/8 93/16 93/17 94/10 94/11 94/11 94/22 95/16 107/9 109/6 109/9 109/11 112/18 113/7 117/18 123/16 123/23 124/1 126/12 130/20 133/17 134/10 142/4 143/13 151/19 156/12 165/7 165/8 165/21 171/7 175/13 175/16 181/5 182/20 182/25 187/17 187/19 194/5 196/24 199/6 199/8 202/17 202/18 214/5 223/8 223/9 224/5</p> <p>however [6] 10/10 14/18 17/23 20/23 197/6 213/13</p> <p>human [21] 10/17 11/10 11/12 35/19 35/23 41/12 42/11 42/22 49/19 117/25 118/4 153/6 153/6 153/21 154/5 154/11 184/1 207/17 216/8 216/22 219/1</p> <p>human's [1] 57/22</p> <p>humans [1] 42/2</p> <p>humor [1] 103/6</p> <p>hundred [3] 25/8 84/5 84/6</p> <p>hundreds [1] 49/8</p> <p>husband [4] 103/21 111/19 115/20 121/23</p> <p>husband's [1] 116/7</p> <p>hypothesis [1] 19/19</p> <p>hypothetical [2] 159/4 205/24</p>	<p>220/25 221/8 223/20 224/25 225/1</p> <p>I've [12] 23/17 26/16 30/19 38/8 86/9 114/3 132/2 136/18 136/24 141/7 149/24 171/19</p> <p>idea [4] 27/23 27/23 40/5 41/4</p> <p>iden [1] 213/3</p> <p>identification [8] 34/9 41/22 103/24 110/15 119/6 155/6 192/19 192/25</p> <p>identified [8] 51/6 118/6 119/21 155/2 159/9 196/10 211/21 213/5</p> <p>identify [8] 75/20 103/14 110/25 116/19 121/21 173/23 206/12 208/24</p> <p>identifying [1] 208/14</p> <p>identity [1] 208/11</p> <p>ignition [5] 40/19 40/20 51/23 51/25 90/2</p> <p>image [2] 43/4 148/11</p> <p>images [13] 43/10 43/18 44/11 64/24 181/4 181/5 181/9 181/11 182/11 182/13 184/8 188/12 188/13</p> <p>imagination [1] 81/5</p> <p>immediate [1] 210/16</p> <p>immediately [2] 34/20 162/25</p> <p>impaired [1] 95/12</p> <p>importance [3] 6/10 26/23 133/24</p> <p>important [25] 20/5 21/10 21/13 21/17 23/10 24/19 28/1 28/15 28/16 30/2 32/7 36/10 40/21 44/24 49/20 55/21 71/13 71/16 71/25 72/11 88/24 91/18 94/25 201/19 215/12</p> <p>importantly [5] 28/6 34/15 40/7 61/25 78/13</p> <p>impound [2] 138/6 141/22</p> <p>impressed [1] 88/17</p> <p>impressions [1] 211/16</p> <p>improper [1] 7/3</p> <p>in-laws [1] 89/10</p> <p>incapable [1] 219/19</p> <p>inch [1] 183/4</p> <p>incident [2] 197/16 221/14</p> <p>inclement [2] 151/14 151/15</p> <p>include [13] 21/12 37/2 37/3 58/8 111/3 111/6 130/8 135/4 135/18 180/6 188/12 215/6 217/24</p> <p>included [8] 32/20 43/14 105/22 186/17 188/25 218/6 218/9 218/15</p> <p>includes [2] 45/24 186/25</p> <p>including [10] 11/23 37/4 67/4 100/13 102/5 136/22 205/20 206/23 209/17 225/3</p> <p>inconsistencies [4] 92/9 92/10 95/3 97/10</p> <p>inconvenience [1] 21/8</p> <p>incorrect [2] 208/12 214/23</p> <p>independent [4] 92/3 92/4 219/25 223/8</p> <p>indicate [3] 80/22 95/11 179/3</p> <p>indicated [7] 26/18 55/2 100/13 197/14 199/23 200/12 222/22</p> <p>indicates [2] 91/6 118/17</p> <p>indicating [4] 7/10 35/21 38/17 174/19</p> <p>indication [1] 208/21</p> <p>individual [9] 28/8 28/11 35/22 58/19 69/10 69/10 90/19 150/8 203/9</p> <p>individually [1] 193/9</p> <p>individuals [3] 149/5 150/22 198/7</p> <p>inept [3] 90/16 90/19 95/12</p> <p>information [17] 6/4 8/16 36/6 55/19 57/17 58/7 59/19 87/17 99/5 99/18 177/23 177/23 194/6 194/9 197/16 208/10 211/1</p> <p>informed [6] 98/13 111/11 117/19 117/21 117/24 134/11</p> <p>initial [5] 162/16 162/25 163/2 165/13 210/8</p> <p>initially [3] 194/18 195/1 200/1</p> <p>innocence [4] 19/6 19/20 87/22 88/16</p> <p>innocent [6] 19/8 29/12 60/11 60/18 88/11 88/20</p> <p>inquired [1] 194/11</p> <p>inquiry [3] 181/1 193/5 202/13</p>
--	---	---

<p>I</p> <p>insensitively [1] 35/17</p> <p>insentence [1] 35/17</p> <p>inside [15] 64/7 64/18 71/7 164/7 170/8 170/16 172/8 186/7 186/15 188/16 188/18 189/1 199/1 207/12 207/16</p> <p>inspect [1] 42/5</p> <p>inspection [1] 201/12</p> <p>instance [2] 87/10 162/23</p> <p>instances [2] 92/6 220/1</p> <p>instant [1] 11/23</p> <p>instead [7] 82/4 82/4 82/5 82/7 82/7 82/8 82/20</p> <p>instructed [5] 5/14 27/16 54/7 94/21 96/7</p> <p>instruction [1] 96/9</p> <p>instructions [6] 3/3 4/20 4/22 5/3 8/12 20/25</p> <p>instructs [1] 87/1</p> <p>insured [1] 82/4</p> <p>intact [1] 156/16</p> <p>intellectual [1] 93/13</p> <p>intelligent [2] 90/20 95/18</p> <p>intend [3] 27/5 27/13 100/13</p> <p>intended [1] 21/23</p> <p>intends [8] 9/11 9/19 13/21 14/3 17/1 17/9 53/12 53/13</p> <p>intent [17] 10/18 11/6 11/8 11/14 11/15 11/20 11/22 12/2 12/2 12/6 12/6 12/7 14/25 15/14 15/18 15/18 15/22</p> <p>intentional [12] 8/18 9/1 9/17 9/20 9/24 10/3 10/8 10/14 10/20 12/22 27/10 53/16</p> <p>intentionally [19] 9/2 9/5 9/8 9/16 10/4 12/23 13/13 13/15 13/18 14/1 14/12 16/17 16/19 16/23 17/6 17/17 34/1 147/4 208/20</p> <p>interaction [1] 94/16</p> <p>intercour [1] 18/12</p> <p>intercourse [5] 18/5 18/14 18/16 18/20 65/24</p> <p>interesting [2] 63/5 63/5</p> <p>interestingly [2] 56/4 78/23</p> <p>interior [3] 186/4 187/8 191/11</p> <p>interiors [1] 43/22</p> <p>internet [1] 208/13</p> <p>internship [1] 104/25</p> <p>interpose [1] 208/2</p> <p>interrogation [5] 59/2 59/7 61/11 62/12 97/7</p> <p>interrogations [4] 57/11 57/11 57/15 58/5</p> <p>interrogative [1] 57/15</p> <p>interrogator [1] 94/15</p> <p>intersection [3] 137/9 137/24 138/13</p> <p>intersects [1] 144/2</p> <p>interview [4] 99/2 101/9 193/25 195/22</p> <p>interviewed [1] 49/23</p> <p>interviewer [2] 93/2 94/15</p> <p>interviewing [1] 56/16</p> <p>interviews [4] 56/12 56/15 57/10 58/5</p> <p>intricately [1] 100/15</p> <p>introduce [3] 28/22 100/13 121/1</p> <p>introduced [3] 6/9 8/9 20/22</p> <p>introduces [1] 99/19</p> <p>introducing [1] 99/7</p> <p>introduction [1] 23/14</p> <p>introvert [2] 90/16 93/14</p> <p>inventory [1] 145/12</p> <p>investigate [1] 133/23</p> <p>investigation [30] 23/24 25/6 25/13 25/14 25/14 29/14 30/3 30/4 30/5 30/22 33/16 39/17 48/6 50/16 51/2 54/25 93/1 107/2 117/20 119/25 133/21 134/14 135/24 136/5 136/8 136/10 197/11 201/17 203/22 211/12</p> <p>investigations [2] 134/1 136/12</p> <p>investigative [1] 45/22</p> <p>investigator [15] 25/2 56/13 58/20 58/23</p>	<p>78/14 90/22 116/24 136/9 136/9 172/15 195/21 198/20 201/15 203/23 223/7</p> <p>investigators [12] 24/24 25/17 39/11 41/15 48/24 55/4 56/8 59/1 59/16 67/14 93/4 144/17</p> <p>involve [1] 82/10</p> <p>involved [22] 24/15 24/24 25/9 30/23 36/18 39/21 48/25 49/10 58/13 59/6 60/19 60/21 63/10 101/20 109/16 116/3 125/1 136/12 144/22 201/22 204/13 210/6</p> <p>involvement [3] 81/14 89/19 211/12</p> <p>involving [2] 24/20 90/5</p> <p>IQ [1] 90/15</p> <p>ir [1] 215/23</p> <p>Ironically [1] 31/17</p> <p>irons [13] 65/4 71/11 173/13 173/21 176/23 176/25 177/2 215/23 216/10 216/14 223/9 223/12 224/10</p> <p>irregardless [1] 101/21</p> <p>is [529]</p> <p>ish [3] 84/17 155/13 156/1</p> <p>isn't [9] 45/17 72/12 81/2 89/7 96/21 97/1 169/9 185/12 201/19</p> <p>isolate [1] 95/21</p> <p>issued [1] 145/7</p> <p>it [334]</p> <p>it'd [1] 207/19</p> <p>it's [112] 21/8 23/16 26/5 26/5 26/5 26/24 26/25 27/23 28/16 28/19 30/10 30/10 30/11 34/19 34/19 34/25 34/25 36/9 38/24 45/2 50/13 50/22 50/22 52/19 52/20 52/22 52/22 58/16 59/10 59/22 59/25 60/9 62/24 63/1 63/7 68/4 69/11 69/25 72/7 84/13 84/16 85/21 86/1 86/13 86/13 87/2 88/20 89/1 89/14 90/11 90/12 90/15 92/17 92/19 93/1 93/22 93/25 94/10 94/23 96/21 96/22 101/6 101/16 104/1 105/20 106/23 107/1 110/17 118/16 119/8 119/12 119/15 121/15 126/10 127/5 127/11 128/24 129/19 130/1 130/2 130/6 136/19 137/18 145/5 145/7 145/8 147/14 148/2 149/1 159/13 160/20 161/16 162/1 162/17 164/2 164/10 172/5 173/1 173/18 174/17 184/4 187/17 190/17 199/8 204/9 206/10 210/14 211/22 211/24 213/22 215/12 220/2</p> <p>item [4] 44/9 146/2 159/1 196/6</p> <p>items [31] 44/16 44/17 79/25 84/22 84/25 85/1 145/4 145/22 151/22 151/25 169/8 170/1 172/22 173/24 173/24 180/25 181/21 181/22 192/13 200/19 201/24 205/14 205/18 217/4 217/24 218/9 218/10 218/15 218/16 219/23 220/2</p> <p>its [5] 99/6 99/8 150/14 152/6 166/15</p> <p>itself [9] 12/15 21/22 21/23 50/4 75/5 107/3 136/16 156/24 165/7</p>	<p>jean [1] 128/2</p> <p>jeans [44] 78/15 79/9 79/9 79/13 79/14 79/15 79/15 79/17 79/18 125/23 126/2 126/6 126/7 126/9 126/10 126/13 126/16 126/25 127/4 127/8 127/11 127/12 127/16 127/19 127/21 127/22 127/24 128/4 128/5 128/8 161/12 161/21 174/17 174/25 175/1 175/14 175/21 176/2 176/5 194/7 194/12 218/17 219/11 219/20</p> <p>Jennifer [3] 2/3 226/4 226/19</p> <p>Jentzen [1] 74/10</p> <p>JEROME [1] 1/11</p> <p>Jerry [2] 135/17 198/21</p> <p>jigsaw [1] 26/8</p> <p>job [11] 63/21 63/21 68/4 68/5 68/7 76/18 77/9 86/22 93/24 93/25 118/11</p> <p>Jodi [3] 69/6 69/6 80/23</p> <p>JoEllen [3] 47/2 177/18 177/20</p> <p>John [2] 78/7 149/10</p> <p>Johnson [1] 99/15</p> <p>join [1] 136/9</p> <p>jot [2] 68/2 68/4</p> <p>judge [43] 1/11 5/1 21/24 26/2 27/8 27/16 27/21 28/3 28/20 35/11 53/9 53/18 54/7 69/17 82/16 87/1 89/6 94/21 96/7 96/9 97/21 120/18 122/4 122/7 123/1 132/3 132/12 133/3 145/2 145/14 161/1 161/24 173/3 178/24 192/21 195/25 196/9 196/16 208/1 208/7 224/14 224/18 225/9</p> <p>Judge's [1] 23/4</p> <p>judges [1] 7/11</p> <p>judgment [1] 19/4</p> <p>judicial [2] 35/11 145/13</p> <p>Julie [5] 153/11 153/14 153/16 153/21 154/3</p> <p>junked [9] 30/12 32/10 37/7 37/8 37/18 40/23 49/12 77/15 143/14</p> <p>junkyard [4] 30/12 116/13 143/4 211/13</p> <p>juror [7] 5/4 6/7 10/10 14/18 17/23 20/24 21/1</p> <p>jurors [20] 4/16 4/18 5/25 7/11 10/6 14/14 17/19 22/7 60/14 98/4 98/11 102/10 137/1 137/5 143/19 160/23 162/12 224/24 225/3 225/5</p> <p>jury [77] 1/4 3/3 4/15 5/17 6/4 7/23 8/12 21/7 30/25 54/4 63/17 69/18 77/9 81/2 81/12 81/18 87/21 88/18 96/12 98/1 98/20 102/8 102/22 103/18 103/25 104/2 106/22 108/8 110/12 110/15 111/13 116/6 118/14 126/5 127/19 128/11 129/8 129/18 129/24 130/3 132/21 134/16 134/21 139/5 140/21 141/10 142/3 144/25 146/1 146/19 149/9 151/19 153/25 156/5 157/10 159/14 160/19 162/10 166/5 166/12 168/13 179/17 179/21 181/9 182/9 182/13 182/19 183/13 187/7 189/24 190/2 190/4 194/5 195/18 202/20 216/19 224/8</p> <p>jury's [4] 69/12 81/11 154/10 215/13</p> <p>just [120] 21/17 23/1 23/3 23/19 23/20 23/23 25/21 25/25 36/5 37/10 39/16 39/23 41/9 42/9 43/8 46/17 48/2 48/7 50/2 52/8 61/14 63/3 67/25 71/24 72/12 72/18 73/13 74/7 74/13 74/23 75/15 77/21 77/24 78/9 80/20 80/25 81/2 81/3 82/5 84/23 86/9 87/18 88/2 92/22 94/10 94/19 94/20 96/10 97/21 99/21 100/20 100/23 105/25 108/12 112/19 117/22 119/21 119/24 121/21 121/21 122/10 126/8 128/12 133/2 134/2 134/19 137/16 139/19 142/3 144/3 146/10 146/19 150/20 151/2 151/3 152/15 153/17 153/19 154/10 154/17 155/4 155/20 156/1 157/1 158/19 160/18 161/8 161/13 161/23 166/5 167/15 169/19 170/20 172/11 172/11 179/20 180/8 182/25 183/12 183/13 185/14 187/14 187/22 188/1</p>
	<p>J</p> <p>J. [1] 133/13</p> <p>J. Fassbender [1] 133/13</p> <p>jacket [3] 174/4 174/7 174/8</p> <p>Janda [28] 32/18 38/12 38/12 41/6 43/21 46/15 83/17 137/19 167/23 171/2 171/14 172/19 172/21 172/23 183/9 183/15 183/22 184/4 184/11 185/23 190/9 190/13 192/1 192/3 213/10 214/12 223/10 224/1</p> <p>Janda's [2] 46/19 224/4</p> <p>Janda/Dassey [12] 171/2 171/14 183/9 183/15 183/22 184/4 184/11 185/23 190/13 192/1 192/3 214/12</p> <p>Jason [2] 83/9 83/16</p> <p>jaw [1] 76/11</p> <p>Jaws [2] 207/14 208/3</p> <p>Jay [1] 113/24</p>	

J	201/3 210/20 215/8 219/25 226/14 known [8] 61/22 61/25 62/2 78/2 134/7 135/7 144/22 161/18 knows [8] 9/15 13/25 17/4 79/7 81/15 86/4 142/3 160/19 Kohl's [4] 79/10 124/14 126/11 127/11 Kornely [1] 83/24 KRATZ [53] 1/13 3/5 3/9 3/12 3/15 3/17 4/5 4/6 4/23 4/24 20/24 21/3 23/16 53/21 54/2 86/11 87/5 88/4 91/1 97/19 97/20 102/8 102/11 120/25 121/2 121/3 121/9 121/11 121/13 122/3 123/3 132/3 132/8 133/16 160/13 161/20 161/23 162/4 162/5 162/6 173/7 176/9 176/11 178/24 179/15 192/21 193/2 193/4 195/25 216/16 223/3 223/6 224/13 Kratz's [2] 202/13 205/24 Kucharski [1] 224/9	22/8 54/12 160/21 lay [1] 44/5 layer [1] 50/20 laying [2] 66/25 202/10 lead [10] 23/22 24/24 74/5 74/5 136/4 136/9 144/17 198/20 201/15 203/23 leadership [1] 25/19 leading [2] 57/3 211/3 lean [1] 148/14 leaned [3] 34/4 77/12 147/16 leaning [4] 148/8 148/15 149/18 149/25 leaping [1] 166/15 learn [7] 25/7 25/11 29/15 30/3 56/6 90/18 149/9 learned [1] 136/2 learning [2] 29/25 30/1 least [53] 22/2 23/7 24/14 25/13 25/22 26/19 30/4 31/1 32/4 35/17 36/14 37/12 38/1 41/16 43/13 43/16 44/2 46/12 49/1 54/18 67/4 69/7 74/11 87/24 100/14 101/12 102/2 105/22 106/11 110/1 113/15 115/21 118/10 119/14 124/16 125/25 127/22 131/14 142/1 146/25 147/2 150/8 152/17 154/8 155/23 156/16 157/15 162/10 166/20 168/2 172/12 192/24 211/9 leaves [3] 51/24 83/16 83/21 leaving [2] 82/4 94/1 led [1] 43/14 leeway [1] 101/23 left [27] 32/14 51/14 52/24 52/25 67/4 74/12 74/19 76/6 76/11 78/9 80/9 109/1 121/23 125/15 148/13 149/17 157/3 157/5 158/10 159/21 159/22 159/24 163/21 166/7 170/25 175/1 190/21 left-hand [2] 32/14 175/1 leg [16] 45/13 65/4 71/11 75/23 173/13 173/21 176/23 176/25 177/2 215/23 215/23 216/10 216/14 223/9 223/12 224/10 legal [2] 5/21 27/14 Lem [1] 117/1 LeMieux [3] 117/1 117/4 117/7 length [1] 11/16 lengthy [1] 21/25 Leslie [1] 73/17 less [2] 47/18 183/3 let [18] 5/8 21/10 22/20 22/24 24/15 36/5 43/8 56/18 63/7 67/25 117/22 142/3 170/3 178/23 199/24 200/23 207/9 215/17 let's [14] 21/2 48/6 102/7 121/7 126/8 147/8 156/24 162/6 182/19 200/23 204/8 207/9 215/19 219/18 lettering [1] 128/18 level [2] 90/15 95/6 liability [2] 27/18 28/17 license [12] 40/22 68/15 77/13 77/15 168/15 169/11 170/1 170/6 170/7 170/15 170/19 171/4 lies [1] 97/12 life [8] 11/9 20/5 29/5 29/10 82/2 103/7 207/14 208/3 lift [2] 202/25 203/2 like [42] 48/2 51/20 55/14 59/22 72/18 74/7 74/13 74/23 75/1 75/15 77/25 80/20 80/25 86/13 86/14 91/18 93/22 94/20 98/17 110/13 118/22 124/5 124/24 124/25 125/23 125/23 128/17 132/14 135/2 135/11 140/24 158/7 161/11 174/6 186/16 199/18 205/13 205/15 209/19 212/4 216/8 217/12 liked [3] 105/12 131/22 131/24 likelihood [1] 99/7 likes [1] 131/23 limited [1] 161/25 line [15] 141/4 153/9 154/1 154/6 156/18
K	L	
K-9 [2] 35/16 153/20 K-9s [1] 42/3 KAREN [5] 3/8 102/12 102/13 102/18 108/4 KATIE [20] 3/11 79/4 79/11 103/16 107/6 107/8 107/9 107/10 107/12 121/24 123/3 123/7 123/12 123/16 124/16 125/16 126/17 128/23 130/23 132/2 Katie's [1] 79/4 keep [7] 7/22 25/25 25/25 114/20 118/21 171/15 201/15 keeping [1] 117/19 keeps [1] 69/24 Kelly [5] 103/17 107/6 107/8 107/9 121/24 Kelly's [1] 107/11 Ken [3] 4/6 23/16 73/25 KENNETH [1] 1/13 kept [5] 7/24 112/23 117/21 155/23 166/16 key [22] 40/16 40/17 40/18 40/18 49/16 50/4 50/4 52/18 52/24 52/25 68/22 78/20 78/21 90/2 128/24 129/2 130/2 130/8 130/9 130/11 130/13 130/17 keys [1] 128/25 kidded [2] 79/11 79/11 kids [4] 103/10 105/12 105/13 108/2 kill [8] 10/18 11/6 11/8 11/14 11/22 12/2 29/11 66/14 killed [5] 46/5 67/7 91/5 126/18 131/6 kind [59] 23/2 23/2 30/10 33/12 34/19 34/24 34/25 36/8 40/1 40/4 40/23 42/4 44/1 44/2 44/4 44/4 45/3 47/2 48/15 48/18 51/13 55/25 56/6 58/9 58/23 59/11 60/13 60/22 64/25 66/10 66/10 71/17 79/12 79/18 84/12 86/1 86/14 104/20 105/10 106/20 107/13 107/24 110/9 118/24 124/7 126/6 127/19 131/20 135/1 137/3 148/10 178/12 179/1 190/1 198/8 201/19 209/10 219/3 219/8 kinds [6] 51/15 52/21 63/13 68/2 124/2 124/23 knees [1] 175/4 knew [13] 28/11 30/25 62/17 80/2 102/23 112/17 112/20 112/22 112/23 113/6 117/11 118/4 220/19 knife [1] 66/20 knock [1] 64/16 knocks [2] 64/5 64/7 know [100] 9/18 14/2 17/8 21/8 22/24 24/15 26/10 26/16 28/2 30/21 30/24 31/6 34/12 38/8 42/21 50/17 50/17 56/25 57/5 59/18 59/22 59/25 60/9 60/17 60/19 60/21 61/9 69/24 69/25 70/2 72/17 78/21 81/7 81/8 81/16 84/4 94/12 101/24 104/11 104/12 105/25 108/25 109/3 109/10 110/9 110/18 113/6 113/8 114/21 115/17 116/8 116/14 117/9 117/11 118/18 119/15 120/4 120/4 124/10 126/1 126/4 126/5 126/7 128/2 128/23 129/1 129/21 129/25 130/16 130/20 131/20 131/24 135/14 142/1 143/19 148/17 151/5 153/3 154/23 156/12 172/10 176/15 176/25 182/20 182/25 189/3 195/18 199/6 199/9 199/19 203/16 203/22 204/2 207/13 208/13 210/21 212/10 215/12 215/13 215/17 knowing [2] 81/14 209/18 knowingly [3] 9/12 13/22 17/1 knowledge [16] 9/10 13/20 16/24 22/8 55/1 59/15 198/13 199/4 199/22 199/25 200/24	lab [32] 31/12 31/18 36/4 38/23 39/2 39/13 41/14 44/20 51/4 73/5 74/1 78/8 149/11 149/14 151/21 154/12 154/17 200/13 201/11 201/16 201/23 203/15 203/20 214/11 214/13 214/18 215/9 217/7 218/24 219/10 219/19 219/23 Laboratory [3] 151/10 151/17 152/12 lack [5] 20/2 66/9 66/9 93/9 95/23 ladies [2] 76/18 160/18 lady [2] 79/3 102/23 Lakes [2] 152/21 153/15 land [2] 44/5 183/21 landmarks [1] 137/5 language [3] 58/22 65/10 65/13 lanyard [10] 128/23 129/3 129/9 129/11 129/17 129/21 130/6 130/13 130/17 130/21 lanyards [1] 129/16 large [16] 32/2 34/2 34/3 67/16 67/21 68/7 68/8 74/19 77/10 136/25 138/3 155/13 164/23 168/24 173/1 181/19 larger [2] 146/8 148/11 largest [3] 25/12 25/12 44/19 laser [5] 136/24 148/10 183/12 187/23 190/17 last [28] 30/5 60/24 70/14 70/22 92/19 93/8 102/17 110/24 111/24 112/1 112/14 112/21 113/4 113/5 113/6 113/13 115/14 115/14 120/12 120/12 123/11 131/20 133/12 141/7 188/12 192/20 193/4 202/24 Lastly [1] 80/21 latch [2] 77/20 77/24 late [1] 89/3 later [34] 31/21 35/8 36/11 40/18 42/20 43/2 43/17 47/20 51/6 56/19 63/2 70/6 70/9 79/19 84/10 91/8 94/22 101/2 101/4 101/13 116/15 116/17 161/10 162/13 167/7 168/24 172/17 175/7 187/19 193/16 195/19 195/22 196/11 216/13 Laude [1] 104/16 laundered [3] 219/11 219/18 219/24 laundry [1] 188/9 law [52] 1/20 1/22 5/7 5/14 11/13 19/6 25/8 27/21 27/22 27/23 27/24 35/12 36/25 37/13 44/16 48/14 49/8 62/2 77/18 78/2 87/2 90/23 99/9 114/25 116/20 117/15 117/18 127/14 135/1 135/3 135/9 135/17 138/15 140/23 142/4 142/7 144/21 145/2 146/5 146/20 149/5 162/17 162/21 169/25 177/21 180/13 197/20 198/3 202/6 204/20 208/2 224/19 lawnmower [1] 85/10 laws [1] 89/10 lawyer [1] 25/25 lawyers [9] 5/21 5/22 5/24 6/24 20/17 20/19	

L	Lur [1] 153/15 lure [1] 38/10 lures [1] 46/8	221/21 226/7 226/13 maximum [1] 183/3 may [62] 5/19 6/13 7/13 7/20 8/4 8/22 9/23 10/19 11/22 12/10 13/7 14/7 15/3 16/12 17/12 20/11 21/12 22/1 26/9 26/22 26/22 27/2 28/7 30/24 31/6 52/9 52/9 53/18 54/13 60/11 62/18 63/9 87/7 91/12 94/7 98/18 99/2 100/15 100/16 100/22 101/9 101/16 123/2 133/1 133/2 142/9 142/17 145/6 146/6 154/5 160/13 162/4 165/13 195/3 202/1 205/9 208/1 210/22 219/11 219/25 220/12 224/15 May [13] [4] 91/12 99/2 100/22 101/9 maybe [5] 50/21 83/15 87/14 205/12 206/17 me [60] 5/20 20/25 21/3 21/10 22/20 23/20 32/4 36/5 43/8 47/21 49/19 53/1 53/7 53/10 53/15 56/24 63/7 63/8 66/16 67/25 82/20 89/6 89/11 93/12 95/19 101/11 103/12 106/17 107/4 109/23 110/8 111/17 116/24 117/1 117/12 117/22 123/22 124/3 127/5 134/11 142/3 147/1 148/23 164/3 164/4 170/3 174/18 178/23 182/4 205/23 209/10 213/8 217/22 219/5 219/10 219/19 223/22 225/2 226/8 226/9 mean [7] 25/24 60/14 179/19 199/14 206/14 206/18 218/10 meaning [1] 22/6 means [9] 11/3 11/8 19/22 20/2 23/23 28/1 92/2 178/13 215/17 meant [5] 22/17 50/22 70/23 181/10 181/20 meantime [1] 111/19 measure [1] 181/17 measurement [2] 183/1 212/10 measurements [8] 43/17 181/18 181/21 181/23 182/20 182/22 187/9 212/9 measuring [1] 181/15 media [1] 197/18 meet [5] 83/10 83/16 90/19 93/6 93/6 meeting [1] 55/10 meets [1] 83/18 member [1] 82/8 members [9] 77/9 81/1 81/18 111/13 112/6 114/15 135/3 153/15 198/17 memory [7] 7/21 8/8 50/25 95/5 223/8 223/12 223/23 mental [1] 11/9 mention [2] 106/15 150/23 mentioned [23] 26/22 100/21 104/12 104/19 107/3 115/20 122/17 122/18 122/19 122/20 122/22 125/16 135/25 137/7 139/11 140/16 141/16 143/3 153/18 158/20 162/8 165/1 187/5 mere [1] 20/7 merely [1] 20/8 mess [2] 85/8 85/13 message [6] 38/5 38/6 38/18 84/1 110/4 110/7 messages [2] 112/20 112/25 met [2] 92/18 135/3 metal [3] 68/8 76/20 148/18 methods [1] 207/22 Michels [1] 160/10 microphone [2] 102/25 161/4 middle [5] 24/7 156/11 159/7 172/1 209/1 might [16] 28/6 44/2 44/9 55/14 109/8 157/20 160/15 188/17 196/6 200/22 208/19 209/13 209/14 209/18 212/12 218/13 Mike [12] 83/23 83/24 84/2 103/16 111/15 112/9 112/16 112/16 117/11 117/12 117/12 121/25 Mike's [1] 121/19 mile [2] 103/21 104/6 milked [2] 108/19 115/21 Milwaukee [2] 4/8 24/9
M	machine [3] 46/19 128/10 226/10 machinery [4] 155/13 155/15 156/1 218/16 made [17] 7/7 30/15 38/10 46/23 63/9 63/12 78/3 82/3 82/3 148/17 151/7 151/9 166/17 179/1 186/12 198/23 201/1 Madison [6] 24/6 36/3 36/3 151/18 152/12 200/15 magazine [14] 29/19 29/20 29/21 30/2 46/8 47/4 71/4 105/5 105/23 105/24 112/1 118/10 178/4 178/10 mail [2] 110/3 112/25 mailboxes [1] 83/4 main [3] 115/17 186/19 190/25 mainly [1] 114/12 maintained [5] 135/9 142/12 154/16 154/16 154/19 major [2] 136/12 137/5 make [28] 20/17 21/14 25/17 35/1 38/25 45/3 57/24 60/17 65/17 88/22 93/10 95/7 96/11 96/17 96/18 97/9 99/21 103/9 111/6 130/24 139/22 146/22 156/19 158/24 201/23 210/15 216/9 217/8 Makeover [1] 108/20 makes [11] 34/25 46/18 56/1 57/5 57/6 61/23 63/18 64/16 64/19 83/13 90/25 makeup [1] 96/3 male [4] 39/3 39/9 39/13 215/4 man [14] 30/14 31/1 53/14 63/10 68/4 68/5 68/7 73/4 76/18 77/9 78/7 81/3 81/8 81/25 man's [1] 66/4 manage [2] 202/17 202/19 manipulate [1] 150/4 manipulated [4] 95/16 95/17 95/17 97/7 MANITOWOC [17] 1/1 21/7 21/20 23/20 23/21 24/17 24/22 30/9 30/10 30/11 115/13 135/18 136/2 200/1 200/9 220/18 226/2 manner [1] 206/20 manually [1] 182/22 manufacturer [1] 208/20 many [15] 6/5 30/24 37/10 41/17 44/1 59/7 95/2 143/10 143/13 163/7 182/20 217/24 223/8 223/9 224/5 map [1] 181/16 mapping [1] 181/15 Mar [1] 195/20 March [19] 62/9 62/11 62/14 62/20 63/25 70/9 71/15 71/17 72/3 89/3 172/12 172/17 189/13 193/7 193/21 195/23 219/15 223/11 223/17 March 1 [12] 62/9 62/11 62/14 62/20 63/25 70/9 71/15 72/3 189/13 193/7 193/21 219/15 mark [7] 1/19 4/11 24/25 56/13 73/22 90/22 136/9 marked [25] 3/18 103/23 105/18 106/24 110/14 110/22 118/13 119/5 125/6 129/6 139/8 143/23 148/25 149/22 150/11 155/6 158/17 163/18 167/14 171/19 172/25 173/15 178/1 192/19 192/24 Marlin [2] 37/23 67/2 maroon [2] 40/8 167/17 married [1] 109/13 massive [2] 33/7 49/10 match [8] 31/10 31/14 31/15 45/13 50/12 73/8 76/9 203/24 matched [1] 51/7 matches [5] 34/12 40/18 45/3 51/3 51/21 materials [2] 7/16 120/6 matter [8] 98/18 100/6 100/11 102/4 212/24	

M		
mind [3] 12/1 15/17 64/25	Mr. Austin [4] 43/15 43/25 182/21 192/17	161/16 166/16 198/13 199/4 199/22 199/25
minor [1] 100/21	Mr. Avery [10] 31/6 31/7 31/15 46/14 55/11	201/3 209/4 211/17 212/15 212/15 215/8
minute [7] 11/19 25/21 48/7 53/9 53/19	65/6 67/1 67/11 68/22 164/15	215/15 218/15 220/1 222/24 223/12 226/9
71/25 160/18	Mr. Avery's [7] 32/16 40/2 43/19 80/16	226/13
minutes [6] 47/18 50/2 53/24 83/3 84/1	106/16 169/20 178/21	myself [3] 23/10 121/25 193/12
84/10	Mr. Das [1] 137/20	
Mishicot [1] 193/16	Mr. Dassey [18] 21/17 56/3 67/14 67/20	N
miss [1] 209/13	99/3 169/20 173/23 174/17 175/6 175/8	naked [1] 182/12
missing [11] 29/16 30/4 48/20 79/14 109/21	176/18 177/1 193/6 193/10 193/22 194/6	name [31] 30/14 31/21 32/17 32/20 38/12
111/12 113/20 114/1 114/7 134/14 204/15	194/11 195/22	38/12 38/13 43/11 46/12 46/14 47/1 51/12
misspoke [1] 185/8	Mr. Dassey's [7] 27/8 59/3 171/22 174/4	73/5 78/7 79/4 80/14 80/23 83/23 102/17
mistake [1] 216/9	189/14 192/8 194/10	102/17 102/23 106/13 122/15 122/20 122/22
misunderstood [1] 199/16	Mr. Edelstein [2] 100/1 101/6	123/11 123/11 126/10 133/12 133/12 174/5
mode [1] 58/19	Mr. Ertl [3] 78/11 149/10 150/21	name's [1] 23/16
model [3] 111/6 182/2 196/15	Mr. Ertl's [1] 149/13	named [4] 31/20 134/24 153/11 153/11
modeling [1] 186/5	Mr. Fallon [3] 24/3 24/5 223/20	names [1] 107/5
models [1] 182/1	Mr. Fassbender [7] 39/12 55/19 127/17	narrative [2] 56/24 56/24
mom [5] 33/2 83/12 85/21 86/3 131/16	133/17 155/5 212/1 221/22	national [2] 5/10 129/9
moment [3] 43/8 66/2 150/20	Mr. Fremgen [3] 4/25 100/1 160/24	nature [3] 96/4 133/25 166/24
Monday [8] 38/23 39/16 39/22 112/22	Mr. Gahn [3] 24/9 24/10 24/12	near [7] 23/15 51/22 55/22 101/18 155/14
115/15 157/16 164/3 164/8	Mr. Kratz [11] 4/23 20/24 86/11 87/5 88/4	156/22 166/23
moral [3] 61/4 66/10 66/10	91/1 97/19 102/8 120/25 162/4 216/16	necessarily [4] 198/4 205/4 208/14 218/2
more [38] 26/4 40/7 42/13 45/18 49/7 55/20	Mr. Kratz's [2] 202/13 205/24	necessary [7] 5/20 12/7 19/14 26/24 26/25
57/1 57/1 57/2 59/18 59/19 61/25 65/25	Mr. Mark [1] 24/25	145/17 190/18
71/20 86/13 95/17 104/21 105/10 119/24	Mr. Newhouse [1] 73/6	necessity [1] 179/6
149/2 150/7 151/15 155/9 158/22 159/17	Mr. Schmitz [1] 178/11	neck [2] 128/25 129/3
160/14 166/18 175/7 184/21 188/17 188/19	Mr. Stahlke [1] 80/7	need [20] 11/17 11/19 22/24 22/25 23/1
191/24 195/4 208/4 212/3 212/23 212/25	Mr. Tom [1] 25/3	26/10 30/20 33/12 42/21 50/16 51/1 51/1
213/22	Mr. Tyson [1] 188/2	60/22 87/19 88/19 89/17 94/5 111/21 155/4
morning [12] 21/5 30/16 33/17 34/7 46/7	Mr. Wiegert [14] 25/1 55/20 56/19 58/11	215/16
46/17 48/22 48/23 53/10 224/18 224/22	69/24 117/14 121/7 128/9 128/10 128/17	needs [3] 22/23 85/24 100/16
225/4	129/5 136/24 175/21 176/10	neighbor [1] 89/10
most [17] 20/5 21/13 22/14 26/17 41/1 57/20	Mr. Wiegert's [3] 105/17 119/9 127/3	neither [4] 213/13 213/18 216/24 217/3
58/20 71/13 72/11 78/13 87/24 88/17 119/14	Mrs [2] 138/10 177/21	nephew [3] 66/7 66/11 89/14
124/10 126/4 178/9 211/9	Mrs. [11] 102/21 106/19 109/20 111/10	never [4] 86/3 100/21 203/13 203/15
mostly [1] 124/9	113/17 117/22 118/7 119/24 120/13 176/18	new [2] 55/17 93/22
motel [2] 193/16 194/9	177/1	Newhouse [2] 73/5 73/6
mother [9] 82/8 83/20 193/13 194/10 213/25	Mrs. Halbach [9] 102/21 106/19 109/20	news [1] 116/16
214/2 214/3 214/7 220/10	111/10 113/17 117/22 118/7 119/24 120/13	next [26] 7/24 21/12 25/4 32/16 37/15 40/1
mother's [1] 84/18	Mrs. Tadych's [2] 176/18 177/1	40/13 43/2 47/7 47/8 74/3 84/22 92/13 92/21
motion [2] 29/10 29/11	Ms [17] 28/23 29/1 29/1 29/2 29/15 30/16	103/20 104/3 109/4 117/15 117/24 139/19
motive [6] 12/7 12/8 12/9 12/10 12/13 12/15	31/21 34/16 45/11 47/13 53/1 116/8 116/14	147/14 150/18 171/1 181/1 181/2 188/7
Motorola [4] 80/18 110/13 110/19 111/8	116/15 177/15 178/7 215/25	nice [1] 102/25
mound [8] 185/4 185/4 185/5 185/6 185/19	Ms. [7] 29/25 30/6 44/15 44/23 51/4 67/7	Nick [1] 51/12
191/17 191/17 191/19	177/24	night [14] 35/8 75/9 78/16 84/14 85/5 86/2
move [16] 42/13 58/16 104/9 120/19 132/3	Ms. Culhane [3] 44/15 44/23 51/4	107/25 108/18 108/19 113/24 131/8 131/12
147/8 150/9 151/11 157/10 157/19 162/6	Ms. Halbach [4] 29/25 30/6 67/7 177/24	174/9 220/23
196/1 202/16 202/18 202/21 203/10	much [13] 22/4 53/23 55/4 55/20 71/20	nights [3] 107/21 107/24 130/23
moved [2] 3/18 155/18	94/22 97/18 107/9 123/23 124/12 175/7	Nikole [4] 33/18 116/3 116/9 116/17
movies [1] 107/17	188/19 197/16	nine [1] 167/3
moving [5] 59/9 107/2 155/15 185/17 190/11	mud [2] 211/3 211/6	no [150] 1/5 47/20 69/16 71/23 71/23 72/6
Mr [6] 54/12 80/14 80/15 174/12 177/8	mundane [1] 92/14	72/8 72/11 72/12 76/5 76/10 82/5 90/6 90/6
179/9	murder [5] 57/21 67/21 69/11 82/11 95/25	90/6 90/7 90/7 90/7 98/1 103/24 103/24
Mr. [106] 4/23 4/25 20/24 21/17 24/3 24/5	murderer [1] 81/15	105/18 106/24 109/5 109/14 109/19 110/15
24/9 24/10 24/12 24/25 25/1 25/3 27/8 31/6	murderer's [1] 81/16	110/23 111/16 114/5 115/7 118/14 118/17
31/7 31/15 32/16 39/12 40/2 43/15 43/19	muscle [1] 45/9	119/6 119/10 120/17 120/24 121/6 121/10
43/25 46/14 55/11 55/19 55/20 56/3 56/19	must [23] 7/17 8/7 9/18 9/25 10/10 10/21	121/13 121/19 122/7 122/16 122/23 123/1
58/11 59/3 65/6 67/1 67/11 67/14 67/20	11/24 12/2 13/1 14/2 14/9 14/18 15/4 15/18	125/7 127/2 127/10 127/18 129/7 129/10
68/22 69/24 73/6 78/11 80/7 80/16 86/11	16/5 17/8 17/14 17/23 18/8 18/25 19/16	130/4 130/7 130/12 132/17 132/25 136/13
87/5 88/4 91/1 97/19 99/3 100/1 100/1 101/6	20/22 96/20	136/20 137/4 139/8 140/1 141/8 141/9
102/8 105/17 106/16 117/14 119/9 120/25	mutilate [3] 29/12 67/13 82/11	143/24 146/8 146/25 147/8 147/23 149/22
121/7 127/3 127/17 128/9 128/10 128/17	mutilated [4] 15/7 45/19 68/10 75/1	150/12 150/21 151/1 153/10 155/3 155/6
129/5 133/17 136/24 137/20 138/10 149/10	mutilates [1] 14/24	156/25 158/17 159/12 161/5 161/12 161/20
149/13 150/21 155/5 160/24 162/4 164/15	mutilating [13] 13/3 13/12 14/2 14/4 14/8	163/18 164/9 164/21 165/3 167/2 167/14
169/20 169/20 171/22 173/23 174/4 174/17	14/11 14/16 14/22 15/9 15/11 15/13 27/10	168/1 168/17 169/2 170/3 170/14 170/22
175/6 175/8 175/21 176/10 176/18 177/1	67/20	171/19 172/3 173/1 173/7 173/20 174/2
178/11 178/21 182/21 188/2 189/14 192/8	mutilation [3] 42/25 53/17 69/11	174/15 176/21 183/5 183/19 184/3 184/10
192/17 193/6 193/10 193/22 194/6 194/10	my [56] 21/22 22/10 23/3 23/16 47/14 47/14	185/17 186/10 187/13 188/5 188/13 188/21
194/11 195/22 202/13 205/24 212/1 216/16	47/19 53/22 64/14 70/22 89/10 89/10 89/10	189/3 189/5 192/19 192/25 196/2 196/17
221/22 223/20	89/11 101/6 103/2 103/2 103/21 108/10	198/25 198/25 199/2 199/4 201/1 201/9
Mr. and [1] 138/10	108/11 111/19 112/16 114/18 116/7 121/23	202/3 202/5 202/22 203/3 203/12 203/14
	123/20 124/4 125/2 125/12 131/9 134/11	203/24 204/2 204/3 204/3 211/1 211/16
	137/1 154/8 158/20 161/1 161/1 161/5	211/18 214/8 214/25 215/1 215/2 215/8

<p>N</p> <p>no... [9] 215/22 219/1 219/2 219/3 219/8 219/8 223/24 225/8 225/9</p> <p>nobody [5] 69/17 80/1 81/15 146/22 211/12</p> <p>nobody's [1] 212/17</p> <p>nodded [1] 87/24</p> <p>noncrushed [1] 156/17</p> <p>none [2] 98/23 98/24</p> <p>noon [2] 46/17 100/9</p> <p>Norm [1] 4/8</p> <p>normally [1] 126/10</p> <p>NORMAN [1] 1/17</p> <p>north [18] 137/8 143/2 144/1 155/18 157/5 157/8 160/10 171/17 171/21 183/22 184/12 184/13 184/23 188/8 190/11 191/7 192/9 192/10</p> <p>northeast [3] 114/11 141/15 160/9</p> <p>northern [2] 30/10 187/6</p> <p>northwest [4] 32/15 139/10 139/17 183/10</p> <p>not [168] 5/8 5/12 5/15 5/23 5/24 6/14 7/5 7/6 7/9 7/13 7/17 8/2 8/23 10/6 11/14 11/17 11/19 12/6 12/8 12/12 12/15 12/25 13/1 13/8 14/14 16/4 16/5 16/13 17/19 18/13 18/24 18/25 19/5 19/9 19/21 20/6 20/9 20/10 20/15 20/23 21/7 21/17 21/23 22/5 22/20 23/1 25/12 25/18 26/13 26/22 32/2 37/12 40/5 42/4 43/17 43/23 43/24 44/23 50/24 52/9 56/18 57/12 58/9 60/11 61/24 62/1 62/5 62/15 63/5 63/18 63/20 66/1 66/25 69/13 69/13 69/19 70/19 71/2 73/13 75/13 76/23 78/2 81/19 82/23 87/4 88/25 89/21 90/8 90/11 91/24 92/24 93/20 93/25 94/9 96/10 96/21 96/22 97/1 97/17 98/11 98/21 99/7 99/17 99/24 100/10 100/14 102/22 109/5 110/6 112/5 112/18 113/7 115/23 120/17 127/2 130/16 131/19 136/13 141/6 143/6 158/21 167/6 179/21 180/18 182/9 182/9 182/15 184/7 188/20 188/25 190/2 190/3 193/7 196/12 199/4 199/7 199/21 200/3 201/3 201/9 201/10 202/18 202/20 202/22 203/19 204/17 204/21 206/12 208/12 209/6 210/17 210/19 211/2 214/7 214/15 214/20 215/6 215/11 215/16 217/6 217/24 218/6 218/9 218/24 219/22 220/1 220/12 220/25</p> <p>note [3] 54/15 92/12 94/25</p> <p>notes [16] 7/14 7/17 7/20 7/22 7/25 54/8 54/11 54/16 68/1 68/1 94/6 94/6 94/9 94/10 215/17 226/9</p> <p>nothing [4] 23/22 62/11 90/7 122/24</p> <p>notice [6] 22/13 24/12 33/8 33/24 142/17 155/14</p> <p>noticed [2] 98/25 126/14</p> <p>notified [1] 102/2</p> <p>notoriety [1] 31/3</p> <p>novel [4] 86/14 86/15 86/21 87/4</p> <p>novels [3] 86/15 86/16 87/8</p> <p>November [30] 29/16 33/17 34/7 37/16 48/8 54/23 71/18 109/22 111/10 112/13 113/17 113/18 114/9 115/10 116/1 119/13 122/14 134/4 134/6 142/6 142/11 146/17 162/8 162/14 164/8 169/17 179/17 181/13 193/8 198/2</p> <p>November 12 [1] 142/11</p> <p>November 15 [1] 119/13</p> <p>November 3 [1] 109/22</p> <p>November 5 [6] 122/14 134/4 134/6 142/6 181/13 198/2</p> <p>November 6 [1] 54/23</p> <p>November 7 [1] 164/8</p> <p>November 8 [1] 169/17</p> <p>now [82] 8/11 20/17 23/21 27/21 28/14 36/5 41/4 44/13 44/15 50/12 53/4 56/18 59/9</p>	<p>62/10 62/22 63/15 64/9 65/9 67/7 69/20 70/22 75/6 83/17 84/17 86/4 86/9 86/9 86/20 87/4 87/18 94/24 100/24 105/17 105/21 118/17 119/14 123/25 129/17 139/25 140/15 141/11 142/1 143/23 144/7 148/14 153/20 155/12 155/25 156/12 157/4 158/3 160/6 164/15 165/6 172/1 173/23 175/6 175/21 176/22 182/4 184/12 185/17 186/4 186/23 189/3 190/22 191/3 192/2 192/4 197/9 197/19 198/3 200/12 204/23 205/23 206/6 209/25 220/1 220/4 222/15 223/7 224/1</p> <p>nowadays [1] 208/13</p> <p>nowhere [2] 55/12 55/13</p> <p>number [30] 10/24 11/5 15/7 15/11 18/11 18/13 18/15 34/9 34/10 38/14 38/14 54/20 54/20 61/24 62/4 62/24 88/5 88/15 92/9 94/7 97/6 100/23 114/3 127/6 170/19 175/24 212/5 212/6 212/8 217/14</p> <p>numbers [1] 208/15</p>	<p>often [5] 89/5 109/6 117/18 117/21 158/20</p> <p>oftentimes [5] 54/11 59/16 59/17 92/25 93/3</p> <p>oh [2] 121/7 140/23</p> <p>oil [1] 194/19</p> <p>okay [60] 21/4 57/23 98/9 113/8 117/18 119/1 122/24 125/3 126/8 126/12 126/17 127/18 128/5 129/1 130/23 132/19 132/24 160/17 178/20 183/19 193/1 197/9 198/11 198/16 199/13 202/20 203/1 203/4 203/13 205/17 206/9 207/5 207/8 207/15 207/19 208/8 208/18 208/23 209/10 209/16 211/24 212/10 212/17 213/2 214/9 215/10 215/15 216/4 216/8 217/9 218/21 218/24 219/16 220/11 220/18 221/21 222/9 222/19 222/21 224/20</p> <p>old [19] 28/24 29/12 63/14 66/23 82/12 84/20 85/13 85/14 85/15 90/12 90/13 93/12 109/11 123/16 126/15 126/16 138/7 138/25 141/22</p> <p>older [3] 123/21 123/22 123/23</p> <p>oldest [2] 103/2 103/15</p> <p>Olson [1] 73/25</p> <p>once [6] 106/9 109/8 110/1 155/4 183/25 219/12</p> <p>one [102] 10/12 10/16 10/24 14/20 14/24 15/7 17/25 18/4 18/11 21/12 22/22 22/23 23/7 25/12 29/17 29/18 31/12 31/12 36/14 37/11 37/17 37/20 44/9 45/6 45/7 54/20 62/24 68/5 68/6 72/6 72/8 74/12 74/13 76/10 82/1 87/22 88/2 92/12 92/21 92/21 94/8 96/2 97/11 97/15 97/25 98/2 98/5 98/14 98/18 109/22 115/21 119/4 120/2 126/14 127/12 128/3 128/24 130/22 139/25 144/17 150/8 150/9 151/11 152/23 153/17 157/13 158/22 159/1 159/7 163/14 176/17 177/2 183/3 186/24 195/24 198/25 199/4 199/10 199/10 202/21 203/8 212/11 213/9 213/11 213/13 213/18 213/24 213/25 214/9 214/10 214/20 215/3 216/5 216/12 216/24 217/3 217/4 217/14 218/14 221/6 223/24 224/2</p> <p>one-half [1] 183/3</p> <p>one-man [1] 68/5</p> <p>ones [3] 71/25 214/12 214/17</p> <p>only [17] 5/6 6/8 25/18 37/13 40/5 43/18 50/25 75/13 76/23 81/15 94/8 97/15 99/10 112/5 167/6 182/15 200/24</p> <p>Oop [1] 189/24</p> <p>open [5] 114/20 160/8 160/12 188/24 209/23</p> <p>opened [5] 37/18 77/16 204/17 207/6 207/7</p> <p>opening [21] 3/4 7/15 20/17 20/18 20/23 21/22 22/10 23/6 23/11 26/2 27/6 53/23 54/13 60/25 64/14 70/23 86/12 91/3 98/25 100/22 172/13</p> <p>opinion [7] 7/10 74/10 147/5 150/7 159/5 202/15 205/7</p> <p>opponent [2] 99/12 99/24</p> <p>opponents [1] 101/10</p> <p>opportunity [9] 20/19 26/3 86/23 86/25 88/8 88/13 100/6 102/3 102/5</p> <p>opposing [1] 98/21</p> <p>opposite [2] 34/17 161/24</p> <p>orange [2] 155/13 156/1</p> <p>orange-ish/yellow [2] 155/13 156/1</p> <p>order [2] 12/13 145/1</p> <p>ordinary [1] 20/3</p> <p>organized [2] 115/13 118/25</p> <p>origin [1] 5/10</p> <p>original [1] 144/7</p> <p>Originally [1] 157/6</p> <p>other [59] 7/4 7/8 23/2 24/14 30/13 37/4 37/6 37/14 40/1 52/20 52/21 55/14 55/18 58/12 61/22 62/12 73/12 79/25 85/1 92/4 92/22 97/12 103/13 103/13 111/13 112/5</p>
---	---	---

<p>O</p> <p>other... [33] 112/6 112/10 113/20 114/14 114/15 117/23 124/19 124/22 131/7 135/17 138/1 138/1 139/25 141/4 144/21 148/19 148/20 150/22 151/2 152/16 154/13 155/1 156/9 159/11 165/8 186/5 189/9 206/1 206/22 207/21 216/8 216/8 224/19 others [6] 36/18 105/11 123/25 150/4 201/22 206/17 otherwise [2] 7/21 203/9 ought [2] 63/20 63/23 our [17] 21/4 32/4 73/16 74/9 97/9 101/20 108/24 114/18 115/17 116/17 121/15 122/1 131/4 160/16 172/12 196/11 224/18 out [63] 15/18 43/24 46/9 46/15 46/20 46/20 48/17 55/11 57/4 59/7 60/13 60/15 70/1 82/6 85/20 86/12 87/6 87/12 88/4 98/4 99/4 101/13 111/20 111/21 113/7 114/19 127/11 141/20 143/8 143/19 148/17 149/2 149/24 150/17 152/6 154/3 157/4 160/23 162/24 163/16 167/19 171/18 173/19 173/22 174/12 176/25 177/2 180/24 185/5 185/11 190/20 191/19 191/21 210/7 211/10 213/10 213/11 214/9 214/12 215/25 216/5 216/10 225/5 out-of-town [1] 143/19 outbuilding [1] 33/10 outside [6] 6/13 39/24 80/12 113/18 132/20 185/14 over [26] 7/8 11/17 59/24 59/24 59/24 78/14 84/7 84/15 85/22 85/22 89/7 106/9 107/20 124/4 124/5 124/11 124/12 128/10 143/8 182/22 191/1 200/3 200/4 210/14 212/13 212/18 overall [1] 197/10 overcome [1] 19/10 overview [5] 26/6 41/4 136/22 159/14 196/7 overwhelming [2] 25/10 44/22 own [5] 103/21 104/7 105/2 105/3 127/16 owned [12] 79/8 119/3 126/3 126/6 127/13 127/24 140/7 160/4 160/7 160/10 161/19 168/10</p>	<p>participated [3] 54/6 91/7 101/19 participation [1] 95/8 particle [1] 147/19 particular [27] 11/15 31/12 42/5 42/7 42/8 52/15 66/2 66/2 73/25 74/22 75/19 76/5 76/7 76/20 129/17 130/9 140/15 143/18 150/4 152/18 152/23 165/18 171/6 181/18 205/8 207/21 217/23 particularly [2] 101/22 155/9 parties [4] 5/22 5/24 6/10 96/14 partner [1] 111/11 parts [3] 24/11 55/23 147/7 party [19] 8/18 8/21 9/24 13/3 13/7 14/8 16/8 16/11 17/13 27/15 27/16 28/19 99/12 99/24 99/25 101/9 103/7 108/14 131/11 pass [1] 87/14 passed [1] 88/15 passenger [8] 51/22 52/1 147/11 148/1 148/7 148/15 150/1 150/16 passive [2] 58/19 95/13 past [1] 153/9 pastor [1] 89/11 pat [1] 93/23 path [2] 40/23 211/4 pathologist [1] 74/9 patio [1] 164/18 patrol [5] 43/12 170/13 180/7 181/12 197/6 patrons [1] 144/4 pattern [1] 211/15 pause [1] 20/4 pay [1] 8/6 PDA [4] 119/2 119/8 119/12 119/14 Pearce [3] 104/25 109/23 111/17 peek [2] 87/15 207/12 peep [1] 32/12 peers [1] 95/7 people [23] 23/15 26/7 39/13 60/7 60/7 60/16 60/18 61/16 68/3 76/19 103/9 105/25 111/19 112/10 112/11 115/12 121/22 162/20 200/14 201/16 202/16 202/17 204/13 people's [1] 126/16 Pepin [1] 99/14 Pepsi [1] 131/24 perceived [1] 61/5 percent [2] 45/20 72/16 perception [1] 168/2 performed [4] 40/15 95/11 165/7 165/8 performing [1] 115/2 perhaps [8] 23/7 58/11 71/13 74/1 78/13 144/12 167/22 178/25 period [2] 36/9 205/10 permission [4] 33/19 172/18 198/14 198/16 pers [1] 17/10 person [52] 1/24 8/23 9/3 9/5 9/6 9/7 9/8 9/11 9/12 9/14 9/18 9/21 10/18 10/19 13/8 13/14 13/15 13/16 13/17 13/18 13/21 13/22 13/24 14/3 16/13 16/18 16/19 16/20 16/21 16/23 16/25 17/2 17/3 17/8 18/5 19/6 19/24 20/3 39/20 48/20 51/12 82/1 88/18 113/21 114/1 114/7 125/14 126/15 134/14 145/3 202/21 221/23 person's [5] 12/1 12/9 15/17 58/9 61/20 personal [2] 5/8 119/1 personally [1] 212/5 personnel [7] 25/9 151/21 163/13 180/5 180/13 200/2 201/11 persons [4] 30/5 39/20 145/16 204/15 perspective [4] 91/20 157/20 168/2 197/10 perspiration [2] 52/21 52/25 pertain [1] 98/19 Pethan [1] 152/8 phone [28] 38/4 38/6 38/14 48/17 48/18 69/4 80/10 80/18 80/22 83/6 83/8 85/21 110/3</p>	<p>110/6 110/9 110/17 110/20 110/25 111/1 111/7 111/10 112/11 112/17 113/8 178/18 178/20 178/21 197/14 photo [8] 32/7 42/9 47/6 80/6 121/4 140/13 140/14 168/19 photograph [36] 40/4 130/4 130/7 136/21 141/5 141/13 147/25 148/13 149/1 150/13 150/15 151/3 155/8 156/2 156/11 157/1 157/22 158/10 159/17 159/18 159/21 159/24 163/20 164/10 167/3 167/20 168/15 169/3 170/5 170/15 170/21 170/25 171/21 172/1 172/5 174/21 photographed [2] 170/8 170/10 photographer [4] 29/3 29/17 29/19 106/1 photographers [1] 29/23 photographs [11] 33/9 38/19 49/25 88/7 104/2 149/25 159/12 184/7 192/16 199/17 204/24 photography [6] 71/6 103/10 104/25 105/4 105/6 105/21 photos [7] 22/15 37/8 47/23 48/1 105/14 167/11 168/13 phrase [1] 60/8 physical [7] 27/1 27/3 50/1 61/21 70/7 70/24 214/20 physically [4] 94/16 199/15 201/7 217/25 pick [1] 202/25 picked [7] 127/11 150/3 202/23 219/13 220/11 220/19 220/21 picking [1] 84/20 pickup [2] 164/14 167/4 picture [25] 26/12 33/21 104/1 105/12 105/20 106/3 106/5 107/1 121/15 121/16 121/19 121/22 125/9 125/13 143/10 146/8 148/2 149/7 166/4 168/14 168/19 170/24 171/11 171/12 184/18 pictures [12] 29/23 40/10 47/3 52/6 67/23 105/11 105/15 106/1 106/8 106/17 118/10 206/9 piece [15] 26/10 31/13 32/12 73/18 73/19 73/20 73/25 77/10 130/1 147/18 150/5 155/13 155/15 156/1 181/15 pieces [3] 26/7 217/18 218/16 pile [3] 79/1 84/22 169/1 piles [1] 209/5 Pilot [1] 119/15 ping [1] 48/18 pit [13] 45/8 68/13 75/5 76/2 76/8 76/23 89/25 138/23 142/15 143/4 143/11 160/4 210/12 place [14] 7/24 30/6 30/7 30/8 30/9 36/14 66/24 81/20 81/22 145/3 145/15 158/22 193/15 214/10 placed [8] 35/5 147/21 157/8 170/15 170/20 191/13 205/19 223/16 places [9] 22/17 24/14 36/12 36/14 51/20 52/22 68/6 77/1 113/5 PLAINTIFF [1] 1/4 plan [3] 29/9 29/11 162/13 planned [1] 115/9 plastic [2] 129/19 129/20 plates [13] 40/22 49/17 68/15 77/13 77/15 169/11 169/22 170/2 170/6 170/7 170/15 170/17 171/4 play [1] 63/16 played [1] 196/9 playing [1] 83/22 plays [3] 60/21 83/11 190/1 please [94] 4/4 4/15 4/16 4/17 68/2 68/3 102/16 102/16 102/22 103/1 103/18 103/25 104/5 105/19 106/22 106/25 107/5 110/12 110/16 113/23 114/6 118/15 119/7 119/11 121/14 123/5 123/10 123/10 123/18 125/8</p>
--	--	---

P

please... [64] 126/5 127/19 129/8 133/11
 133/11 133/18 134/16 134/21 136/20 139/9
 140/2 141/10 142/18 142/25 143/24 144/25
 146/1 146/9 147/10 147/24 148/23 149/23
 150/12 150/20 151/19 152/20 153/25 155/7
 156/5 156/25 157/21 158/18 159/6 159/16
 161/4 162/12 163/19 164/9 166/12 167/16
 169/16 170/4 170/14 170/23 171/20 172/4
 173/2 173/4 174/3 174/10 174/16 176/1
 176/13 178/2 178/16 179/18 183/7 184/3
 186/11 187/13 188/14 188/22 194/5 221/7
 Pliszka [1] 47/11
 plot [1] 86/16
 plowing [1] 111/20
 plus [2] 156/3 180/8
 Plymouth [2] 167/17 186/1
 plywood [3] 147/7 147/19 148/5
 pocket [2] 174/24 175/1
 point [22] 4/14 42/24 55/21 58/25 59/1 59/2
 59/4 62/16 62/17 65/17 90/8 91/6 98/15 99/4
 126/17 142/10 149/10 150/17 155/20 157/15
 158/6 204/18
 pointed [8] 30/22 53/6 86/12 87/5 88/4 141/2
 149/24 154/2
 pointer [6] 136/24 148/11 155/11 183/12
 187/23 190/17
 pointing [12] 139/17 141/11 148/14 155/12
 155/25 156/10 157/4 158/3 158/10 160/5
 171/4 171/25
 points [5] 90/9 94/24 100/21 182/17 190/19
 police [18] 42/2 62/17 69/20 69/23 70/6 72/3
 72/16 72/19 81/7 90/20 91/12 94/13 95/19
 97/12 115/1 163/25 180/15 205/11
 politely [1] 89/12
 pond [3] 34/19 140/11 156/10
 ponds [2] 180/22 180/23
 pool [2] 50/10 190/24
 porch [1] 55/11
 portion [5] 70/22 155/8 160/2 185/5 191/19
 portions [3] 8/5 8/11 175/3
 portraits [1] 105/10
 positioned [1] 147/14
 positive [5] 51/21 72/16 143/6 214/15 217/6
 positively [3] 45/13 51/6 51/7
 possible [3] 189/18 219/21 221/9
 possibly [2] 59/8 140/5
 post [9] 104/14 135/2 138/14 141/9 141/13
 141/15 142/2 150/18 163/11
 poster [2] 114/1 114/7
 posters [5] 48/20 113/21 114/10 114/13
 114/19
 posts [3] 147/6 147/6 148/4
 potentially [2] 206/13 206/15
 pours [1] 85/12
 powerful [2] 91/17 94/4
 PowerPoint [1] 91/2
 PowerShot [2] 80/19 118/17
 practic [1] 11/11
 practical [1] 212/24
 practically [1] 11/11
 praises [1] 66/6
 precise [1] 207/23
 precisely [1] 101/17
 precluded [1] 101/11
 predicted [1] 151/16
 prefer [1] 224/17
 prejudice [1] 5/9
 preliminary [2] 3/3 4/20
 prepare [2] 63/3 165/16
 prepared [3] 181/11 205/13 226/8
 presence [6] 132/21 135/1 135/10 138/15

142/12 219/20
 present [19] 10/23 15/6 18/10 54/18 86/18
 86/23 88/5 88/13 89/17 89/18 93/7 98/12
 153/20 193/13 201/4 201/9 201/10 217/25
 222/16
 presentation [3] 24/1 54/9 91/2
 presented [4] 5/7 5/14 70/15 213/8
 presenting [1] 24/11
 preservation [1] 57/23
 presses [1] 95/19
 presume [2] 88/10 88/20
 presumed [1] 50/13
 presumes [1] 19/6
 presumption [3] 19/8 87/22 88/16
 pretty [4] 55/4 124/3 124/12 202/13
 prevent [1] 166/19
 previously [3] 4/21 145/23 159/20
 primarily [1] 8/7
 primary [2] 163/3 164/17
 principally [1] 161/17
 prints [1] 211/14
 prior [12] 102/3 122/14 127/24 146/22 151/2
 152/15 154/3 177/7 197/2 197/14 198/3
 200/12
 prison [2] 31/4 31/16
 privately [1] 140/7
 pro [1] 92/16
 probable [2] 145/2 145/5
 probably [6] 25/11 50/17 77/10 154/19
 209/20 213/23
 problem [1] 161/12
 problems [1] 95/6
 proceed [3] 21/2 102/7 162/4
 proceedings [2] 2/2 226/13
 process [12] 6/11 21/11 21/11 27/7 41/14
 41/15 57/15 57/16 57/17 113/23 165/10
 165/16
 processed [8] 36/2 151/7 151/22 164/6
 200/21 200/22 206/2 217/7
 processing [8] 36/4 39/2 43/15 149/16
 162/10 165/21 166/21 201/24
 produce [1] 181/25
 produced [1] 211/12
 producing [1] 11/4
 product [1] 93/1
 profile [6] 44/18 45/12 45/17 53/2 77/22
 77/23
 profiles [1] 44/25
 progresses [1] 91/6
 progression [6] 91/4 91/10 91/13 92/10
 92/17 92/23
 proof [4] 12/7 12/8 72/15 87/22
 properly [5] 7/5 25/19 202/19 205/19 205/22
 properties [5] 37/5 139/18 180/18 180/23
 183/11
 property [72] 30/17 30/18 32/8 32/12 32/16
 32/17 32/23 32/25 33/4 33/7 33/20 35/3
 35/13 36/24 37/6 38/11 41/6 43/19 47/10
 47/15 47/19 47/23 49/2 49/11 55/15 106/16
 113/15 134/8 136/16 136/23 137/6 139/25
 140/16 140/17 142/5 142/8 142/12 143/3
 143/14 143/16 143/18 143/20 145/4 145/4
 145/22 146/4 154/2 155/24 168/21 169/8
 177/8 179/19 179/23 179/24 180/1 180/2
 181/4 182/17 190/3 192/7 192/8 197/20
 197/21 198/4 199/11 205/6 205/9 205/11
 210/13 214/17 214/21 218/16
 proposed [2] 101/7 101/8
 proposition [2] 99/14 99/16
 propped [1] 210/23
 prosecution [6] 15/1 23/14 23/25 24/21
 24/23 99/11
 prosecutor [5] 1/14 1/16 1/18 24/7 86/17

prosecutors [3] 4/10 24/18 24/21
 protective [3] 162/17 162/24 210/2
 prove [15] 9/25 10/21 12/12 14/9 15/4 17/14
 18/8 19/5 27/13 53/13 76/15 79/1 81/6 92/3
 97/4
 proven [1] 18/23
 provide [8] 7/16 8/20 13/5 58/6 69/20 88/8
 95/3 120/8
 provided [6] 81/8 118/9 120/2 148/19
 148/21 175/22
 provider [1] 110/25
 provides [1] 16/10
 proximity [2] 35/6 212/21
 prudence [2] 19/4 20/3
 psychological [2] 96/2 96/3
 psychologist [1] 95/9
 public [3] 61/25 81/7 208/11
 publicity [1] 6/6
 pull [3] 93/19 95/21 102/25
 pulling [2] 166/15 191/23
 pumped [1] 180/23
 puppy [1] 93/22
 purchased [4] 110/19 125/21 125/22 161/9
 purpose [12] 9/21 11/9 14/5 15/16 17/11
 20/18 92/25 101/24 162/1 163/3 204/12
 207/15
 put [19] 29/22 55/24 68/22 75/15 78/20 85/1
 98/14 114/1 119/17 121/8 128/24 149/3
 155/22 163/12 165/12 165/18 165/22 209/21
 215/11
 putting [1] 84/13
 putzy [1] 84/12
 puzzles [2] 26/8 26/8

Q

Q-tip [1] 77/19
 quadrant [1] 41/5
 quarries [2] 138/25 180/23
 quarry [8] 138/25 140/7 140/7 140/7 160/3
 160/4 160/7 160/10
 quarter [6] 86/6 103/20 104/6 148/15 150/1
 150/1
 question [18] 34/14 45/18 62/3 71/13 120/12
 120/12 131/16 131/20 151/5 156/19 177/12
 199/16 202/18 205/3 211/17 214/5 222/14
 222/24
 questionnaires [2] 26/18 30/25
 questions [20] 7/3 54/17 57/2 57/2 57/4 57/8
 57/16 63/6 70/21 70/25 87/23 93/16 93/17
 94/11 119/24 122/4 122/11 196/2 208/5
 223/3
 quickly [5] 38/9 42/13 49/4 50/22 183/6
 quite [4] 28/8 32/2 99/9 141/24
 quote [2] 197/20 205/1

R

R-a-b-a-s [1] 152/4
 Rabas [2] 152/4 152/4
 race [3] 5/9 83/7 83/8
 rack [2] 38/2 187/5
 Radandt [4] 140/7 160/4 160/7 210/12
 radar [2] 55/12 62/16
 rags [4] 85/13 85/15 194/23 195/7
 rains [1] 211/10
 raise [3] 4/17 23/3 123/5
 raised [2] 87/24 88/19
 ramped [1] 48/15
 rape [4] 29/11 66/6 69/11 82/10
 raped [1] 64/23
 rapes [1] 65/20
 rare [1] 57/3
 rat [1] 118/24
 rather [2] 68/4 71/18

R		
<p>rational [1] 20/1</p> <p>RAV [45] 106/23 117/1 117/4 141/1 141/4 146/2 146/11 147/13 147/16 147/25 148/9 148/16 149/1 149/4 149/19 150/2 150/13 152/9 152/18 153/9 153/22 154/7 154/11 158/4 198/24 199/17 199/19 199/21 200/13 200/20 201/6 201/9 201/10 202/10 203/21 204/8 204/17 204/21 210/10 210/16 210/24 211/3 211/4 212/1 212/18</p> <p>ray [1] 76/6</p> <p>rayed [1] 74/4</p> <p>RAYMOND [2] 1/21 4/12</p> <p>rays [1] 73/24</p> <p>RAZR [3] 80/18 110/13 110/19</p> <p>re [2] 39/8 195/22</p> <p>re-interview [1] 195/22</p> <p>reach [1] 141/13</p> <p>reached [1] 154/7</p> <p>reaching [2] 19/2 77/20</p> <p>read [5] 8/5 8/11 8/13 80/13 87/10</p> <p>readily [1] 95/18</p> <p>reading [3] 86/14 90/15 95/6</p> <p>ready [4] 9/13 13/23 17/3 28/9</p> <p>real [2] 61/4 135/5</p> <p>realistically [1] 212/17</p> <p>reality [1] 218/2</p> <p>realize [1] 215/10</p> <p>realized [1] 105/2</p> <p>really [13] 58/23 59/19 60/7 62/24 92/19 103/10 104/10 110/1 110/2 144/3 197/15 211/22 212/23</p> <p>rear [19] 51/17 51/22 74/16 143/6 143/7 146/10 146/13 147/12 148/7 148/15 150/1 150/1 150/15 168/22 184/24 185/1 187/2 187/25 191/15</p> <p>reason [11] 12/9 19/4 19/23 19/25 22/24 53/4 54/3 61/1 68/16 87/16 204/17</p> <p>reasonable [25] 10/1 10/11 10/22 12/19 14/10 14/19 15/5 15/23 17/15 17/24 18/9 18/21 19/11 19/17 19/19 19/22 20/6 20/10 20/10 20/14 53/14 96/5 96/8 96/19 97/5</p> <p>reasons [2] 29/18 62/23</p> <p>rebuttal [1] 99/6</p> <p>recall [4] 108/18 114/9 177/10 217/13</p> <p>receipt [3] 110/17 110/18 119/12</p> <p>receipts [2] 118/21 120/22</p> <p>receive [2] 116/15 177/21</p> <p>received [12] 6/15 6/22 7/8 44/16 122/8 132/20 135/5 161/8 161/14 194/6 196/18 196/19</p> <p>recess [5] 5/18 53/24 53/25 98/10 162/2</p> <p>recognize [3] 129/10 153/12 173/17</p> <p>recollect [1] 220/3</p> <p>recollection [2] 200/8 223/18</p> <p>reconcile [3] 19/18 96/24 97/3</p> <p>reconstructed [1] 56/7</p> <p>Reconvened [4] 4/1 54/1 98/11 162/3</p> <p>record [12] 4/20 97/22 98/15 100/23 102/17 123/11 133/5 133/12 173/6 192/22 211/21 225/7</p> <p>recorded [1] 46/18</p> <p>recording [1] 38/17</p> <p>records [11] 48/17 80/22 112/17 113/9 178/14 178/16 178/18 178/20 179/5 179/7 214/16</p> <p>recover [3] 41/18 42/1 43/6</p> <p>recovered [18] 38/5 38/6 38/21 39/23 41/16 41/21 45/7 45/8 72/24 73/8 73/10 75/18 76/12 78/13 79/23 80/16 164/5 224/10</p> <p>recovery [2] 42/15 162/11</p> <p>recreational [1] 124/22</p>	<p>red [8] 141/3 141/19 147/13 168/5 194/18 194/22 194/24 221/19</p> <p>redirect [4] 3/17 122/25 223/2 223/5</p> <p>reduced [1] 219/21</p> <p>reducing [1] 190/12</p> <p>refer [1] 137/3</p> <p>reference [1] 99/1</p> <p>referred [1] 138/22</p> <p>refers [1] 12/9</p> <p>reflect [1] 192/22</p> <p>reflected [1] 11/18</p> <p>refresh [2] 7/20 223/17</p> <p>refreshes [1] 223/22</p> <p>regarding [1] 135/22</p> <p>regardless [1] 6/19</p> <p>regards [1] 22/15</p> <p>regular [2] 23/2 107/25</p> <p>reinterviewed [1] 55/18</p> <p>Related [1] 204/5</p> <p>relation [3] 44/9 156/7 170/24</p> <p>relationship [4] 107/13 109/17 192/7 192/13</p> <p>relationships [4] 181/22 182/14 182/14 182/16</p> <p>relative [1] 211/2</p> <p>relatively [2] 203/9 206/11</p> <p>released [3] 31/4 31/16 31/16</p> <p>religion [1] 5/10</p> <p>rely [2] 7/20 8/7</p> <p>remain [2] 6/11 23/8</p> <p>remains [11] 35/19 42/11 49/19 74/12 76/17 117/25 118/4 153/21 154/5 154/11 207/17</p> <p>remarks [2] 100/23 172/13</p> <p>remember [28] 39/1 41/24 50/10 55/7 62/13 64/9 64/13 67/22 68/2 68/3 69/1 72/1 88/24 108/5 108/8 114/14 116/23 118/3 126/12 129/12 130/22 131/5 131/11 169/14 205/2 205/3 206/4 217/16</p> <p>remind [3] 22/20 97/25 224/25</p> <p>Reminds [1] 85/23</p> <p>remnants [1] 52/7</p> <p>removal [1] 152/15</p> <p>remove [3] 151/8 154/21 207/12</p> <p>removed [17] 35/3 68/15 77/13 141/6 151/16 151/20 152/5 154/12 154/14 154/22 170/17 188/24 188/25 205/15 205/16 205/18 217/16</p> <p>render [3] 74/10 182/3 182/4</p> <p>rendition [6] 183/20 184/4 185/1 185/23 189/1 192/12</p> <p>rent [2] 104/7 104/10</p> <p>report [3] 6/3 80/13 215/9</p> <p>reported [3] 2/3 29/15 226/6</p> <p>Reporter [5] 2/4 221/6 221/9 226/5 226/19</p> <p>reporting [1] 146/5</p> <p>reports [2] 6/1 217/8</p> <p>represent [1] 89/13</p> <p>represented [1] 76/1</p> <p>repulsive [1] 66/9</p> <p>request [1] 144/9</p> <p>requested [3] 135/25 136/3 136/6</p> <p>requests [1] 201/23</p> <p>require [3] 11/15 68/3 82/13</p> <p>required [8] 7/13 12/12 19/5 25/17 25/20 76/19 120/1 145/17</p> <p>requires [6] 11/13 15/15 18/17 19/8 29/22 68/7</p> <p>Rescue [2] 152/21 153/16</p> <p>rescuing [1] 82/9</p> <p>reserve [1] 100/5</p> <p>resided [4] 137/14 137/20 139/13 139/21</p> <p>residence [80] 30/17 37/22 39/24 40/25 46/24 46/25 47/18 126/21 137/13 137/16 137/17 137/17 137/19 138/9 138/18 138/19 139/20 139/21 143/7 143/8 143/13 164/11</p>	<p>165/7 167/23 169/5 171/1 171/2 171/9 171/10 171/14 171/14 171/22 171/24 171/25 172/8 172/19 172/21 173/10 174/5 174/12 174/18 176/3 176/18 176/20 177/1 177/3 177/18 177/19 177/20 183/9 183/10 183/15 183/16 183/22 183/23 184/5 184/11 184/14 184/16 184/22 184/22 185/3 185/24 186/13 186/15 186/15 187/3 190/7 190/10 190/13 191/2 191/25 192/2 192/4 192/4 192/5 192/14 213/11 213/11 214/12</p> <p>residences [15] 32/11 33/6 36/12 37/2 37/4 40/1 136/23 137/12 138/2 139/12 139/24 145/16 163/7 169/20 177/14</p> <p>resist [3] 62/5 62/6 62/6</p> <p>resort [2] 193/16 220/6</p> <p>resources [4] 25/13 152/16 154/20 163/13</p> <p>respect [1] 202/4</p> <p>respond [1] 100/18</p> <p>responded [1] 103/11</p> <p>response [6] 100/2 142/8 202/3 202/12 205/24 209/4</p> <p>responses [1] 222/21</p> <p>responsibilities [1] 162/7</p> <p>responsibility [3] 20/12 24/19 59/5</p> <p>rest [5] 43/6 59/7 88/12 108/16 177/12</p> <p>restrained [3] 65/8 65/21 71/9</p> <p>result [3] 72/3 77/18 194/8</p> <p>results [3] 39/7 39/8 96/3</p> <p>retention [2] 140/11 156/10</p> <p>retire [1] 96/11</p> <p>retrace [5] 48/11 112/13 113/9 177/6 177/11</p> <p>retrieved [4] 112/24 176/15 176/16 176/17</p> <p>retrieves [1] 67/1</p> <p>return [6] 19/15 19/21 20/9 53/11 110/6 145/9</p> <p>returning [1] 145/10</p> <p>review [3] 100/6 100/10 102/5</p> <p>reviewed [1] 72/21</p> <p>revisit [1] 217/10</p> <p>ride [1] 92/20</p> <p>riding [1] 78/10</p> <p>rifle [7] 37/20 37/22 37/24 37/25 67/2 72/25 73/6</p> <p>rifles [2] 37/21 73/1</p> <p>right [233]</p> <p>right-hand [5] 140/14 141/12 147/18 157/25 174/24</p> <p>rip [1] 186/5</p> <p>rise [1] 4/16</p> <p>rivet [2] 128/2 128/19</p> <p>rivets [6] 79/17 79/20 79/23 128/5 128/14 161/17</p> <p>road [21] 83/1 83/2 83/3 114/21 134/24 134/25 134/25 137/7 137/8 137/9 137/24 141/11 143/21 144/2 159/23 160/1 171/7 171/8 171/13 171/16 171/17</p> <p>roadmap [1] 26/5</p> <p>roads [1] 114/24</p> <p>roadways [1] 115/16</p> <p>role [6] 81/11 81/12 97/1 97/1 135/22 136/4</p> <p>rollercoaster [2] 92/20 96/1</p> <p>roof [8] 186/6 186/12 188/15 188/23 190/9 191/3 207/10 217/15</p> <p>room [4] 5/17 96/13 191/4 213/20</p> <p>roommate [2] 111/23 111/23</p> <p>rooms [2] 186/17 186/24</p> <p>row [5] 79/5 121/23 121/25 125/14 156/18</p> <p>rows [1] 163/5</p> <p>RPR [2] 2/3 226/19</p> <p>rule [1] 98/20</p> <p>rules [1] 99/22</p> <p>ruling [3] 100/5 101/2 101/6</p> <p>run [2] 171/16 208/14</p>

R	154/24 181/13 181/17 181/18 181/19 181/19 181/21 181/22 182/5 182/6 182/8 182/10 186/5 191/22 196/15 201/9 scenes [1] 182/4 schedule [1] 109/3 schedules [1] 119/18 Schmitz [3] 46/25 177/18 178/11 school [7] 55/9 82/22 82/23 90/13 91/11 95/4 104/14 science [2] 90/7 90/9 sciences [1] 24/13 scientific [1] 95/24 scientists [2] 151/10 152/14 scope [2] 25/15 50/23 Scott [1] 75/7 screaming [3] 64/6 64/6 64/17 screen [12] 32/15 55/12 61/17 62/16 136/25 142/22 155/11 157/24 164/23 173/1 174/23 190/9 screens [6] 22/14 25/23 32/2 32/5 54/2 137/2 sealed [1] 152/10 search [65] 20/15 20/16 25/9 33/20 35/9 35/10 35/10 35/13 35/14 36/18 37/1 37/11 39/20 40/14 42/4 49/1 49/10 70/11 71/12 71/15 71/20 72/5 81/17 113/19 115/15 116/4 116/13 144/23 144/25 145/1 145/3 145/10 145/14 152/17 152/21 152/22 153/7 153/16 157/12 162/9 162/13 162/15 162/16 162/18 162/20 162/25 163/2 163/12 163/12 163/14 163/15 164/4 165/6 165/14 165/23 166/19 169/7 169/8 169/25 179/18 180/2 180/8 210/2 210/7 210/8 searched [13] 36/13 36/15 37/18 49/5 49/12 115/16 153/18 153/22 167/7 179/20 179/22 180/1 180/4 searcher [1] 208/4 searchers [5] 33/18 37/14 145/24 146/3 166/25 searches [10] 33/13 48/15 49/3 115/3 115/13 160/15 163/10 180/6 180/17 189/13 searching [10] 34/11 48/25 49/2 116/9 116/11 163/16 165/9 165/11 165/14 210/11 seat [15] 67/22 67/24 68/7 76/13 76/18 76/20 76/21 84/21 86/5 172/6 185/12 185/16 185/20 191/21 191/21 seated [4] 25/4 102/16 123/10 133/11 seats [1] 52/3 second [8] 6/21 40/21 56/9 92/8 103/2 196/6 196/8 204/8 section [6] 8/19 13/4 14/23 16/9 18/3 183/21 secure [1] 7/24 secured [5] 146/20 154/13 154/15 201/5 201/6 securing [2] 144/22 199/19 see [69] 6/13 22/18 33/6 35/4 37/7 41/8 43/10 44/7 44/7 44/12 50/2 58/25 59/4 59/12 62/20 68/8 71/3 71/16 73/21 74/2 74/17 76/25 77/21 78/12 80/15 85/22 86/15 94/8 112/1 128/11 129/18 137/1 140/4 140/5 140/9 141/24 143/9 147/1 147/1 147/12 147/14 147/17 147/20 148/8 150/21 153/2 162/20 162/25 163/5 163/8 163/23 164/12 166/5 166/7 168/13 174/22 176/5 184/18 187/15 188/16 190/14 190/24 192/6 199/7 201/13 204/21 206/17 207/16 225/4 seeing [2] 128/20 214/15 seem [1] 92/14 seems [2] 89/1 101/10 seen [18] 33/22 55/2 62/18 94/7 111/24 112/14 115/14 120/15 127/8 128/19 130/5 131/17 152/7 196/14 199/17 216/7 216/12 216/14 sees [6] 55/22 55/23 65/3 65/4 75/13 75/13	seize [1] 145/4 seized [7] 37/22 145/12 151/25 176/19 176/24 182/15 188/11 seizing [1] 149/16 seizure [1] 162/11 selected [1] 6/7 selection [2] 87/21 88/18 self [1] 57/23 self-preservation [1] 57/23 sells [1] 29/21 semen [1] 52/21 semester [1] 104/24 semi [2] 37/23 67/2 semi-automatic [2] 37/23 67/2 sense [11] 19/23 34/25 57/5 57/6 57/24 61/23 63/18 96/17 96/18 103/6 156/20 sent [2] 140/22 162/24 separate [4] 27/9 72/23 180/7 207/3 separated [2] 207/4 207/7 serious [4] 57/20 58/1 63/11 63/11 serve [1] 6/7 service [4] 21/5 141/22 152/2 152/3 session [1] 7/24 set [15] 29/9 29/11 31/8 83/10 84/8 106/4 121/15 121/17 121/21 135/1 138/14 176/17 176/19 177/2 216/5 sets [13] 176/14 176/23 176/25 215/3 215/21 215/23 216/2 216/7 216/14 223/8 223/9 223/12 223/13 sev [1] 180/3 seven [7] 22/1 43/14 84/17 108/20 143/12 205/10 219/9 seven-day [1] 205/10 seven-ish [1] 84/17 several [7] 25/8 91/1 138/1 158/24 159/1 180/14 180/15 sex [3] 5/10 65/7 65/12 sexual [18] 16/7 16/16 17/7 17/10 17/13 17/17 17/21 18/2 18/4 18/11 18/14 18/15 18/20 18/23 27/11 31/4 53/17 65/23 Sh [1] 197/25 shackled [1] 65/4 shall [1] 205/25 shape [1] 215/6 share [1] 66/1 she [132] 29/3 29/3 29/4 29/4 29/17 29/18 29/19 29/19 30/1 38/17 38/18 44/25 46/23 47/3 47/3 47/4 47/5 47/7 47/16 47/16 47/19 47/25 48/1 71/14 72/2 72/20 72/24 73/19 76/6 77/22 79/7 79/11 81/24 81/25 83/21 85/21 103/2 103/4 103/5 103/5 103/6 103/8 103/8 103/10 103/20 103/22 103/22 104/6 104/7 104/8 104/10 104/13 104/15 104/15 104/23 104/24 105/1 105/1 105/2 105/2 105/3 105/3 105/4 105/6 105/10 105/12 105/13 105/13 105/15 106/4 106/7 106/9 106/9 106/15 106/17 106/17 107/9 108/15 108/21 108/23 109/8 109/9 109/17 109/24 109/25 110/1 110/13 110/19 111/12 111/22 112/14 112/17 112/20 112/21 114/21 114/22 115/14 115/17 116/12 117/8 118/23 119/4 119/12 121/16 121/16 121/17 121/19 121/21 122/19 123/20 123/22 124/15 124/24 125/2 125/9 125/11 125/13 125/14 126/2 126/7 126/14 126/15 130/19 130/21 131/5 131/22 131/22 131/23 131/24 132/1 177/7 178/8 she'd [1] 46/10 she'll [3] 45/1 75/25 75/25 she's [4] 48/2 74/24 103/3 121/17 sheds [1] 33/11 shelf [2] 188/10 188/11 shell [3] 72/23 73/9 73/11 Shepherd [1] 42/6
S	safeguards [1] 61/13 Safety [1] 113/25 said [46] 45/5 56/4 70/11 71/8 72/1 73/1 75/15 77/4 77/14 78/19 80/20 80/25 89/11 93/5 93/6 94/10 94/11 104/9 105/22 110/2 111/16 111/21 116/12 117/13 136/1 140/24 143/17 144/8 145/21 158/15 174/13 175/12 175/17 179/25 195/7 195/13 195/14 203/1 211/25 213/9 222/3 222/7 222/10 222/19 222/20 226/13 sale [13] 38/20 41/8 47/5 71/4 167/18 178/3 178/4 178/9 183/18 183/24 184/17 186/1 190/16 saliva [2] 90/6 120/9 salvage [51] 30/7 30/12 30/18 32/8 32/9 33/20 47/9 106/18 116/11 134/8 134/19 134/22 134/23 134/23 135/7 136/22 137/6 137/25 138/4 138/23 139/1 139/4 139/10 140/4 140/10 140/15 141/16 141/18 143/3 143/9 143/16 143/25 144/4 152/25 155/9 156/9 157/3 157/23 158/12 159/19 160/1 160/3 160/5 160/6 160/8 160/9 160/11 163/4 171/17 180/18 198/14 salvaged [4] 135/8 140/9 143/11 169/18 same [29] 22/7 24/21 24/21 31/23 52/19 52/22 52/23 70/9 82/25 87/7 88/9 89/11 90/5 99/25 111/4 127/23 130/1 130/6 130/12 131/16 146/15 147/25 172/5 178/11 182/5 183/20 187/14 213/9 224/3 sample [3] 45/14 120/5 120/9 samples [1] 120/1 Samurai [1] 191/12 sanctity [1] 6/10 sandwich [4] 158/24 206/1 209/2 209/8 sandwiched [1] 209/18 sandwiches [1] 159/8 satisfied [6] 12/19 12/25 15/23 16/4 18/21 18/25 satisfies [7] 10/1 10/22 14/9 15/5 17/15 18/9 19/10 satisfy [1] 19/16 Saturday [11] 33/17 36/12 41/25 115/9 116/1 116/21 116/23 142/11 157/15 165/12 198/2 save [1] 82/2 saw [13] 56/3 56/4 56/5 67/22 75/10 111/24 140/21 146/16 157/2 196/7 201/5 202/5 216/12 say [27] 21/5 34/6 42/22 59/21 75/9 79/21 89/1 94/12 96/16 101/7 104/3 109/2 112/18 128/6 128/7 175/13 197/9 205/25 206/11 207/7 207/9 211/11 213/22 219/12 219/18 221/3 225/2 saying [8] 46/20 56/8 69/25 70/8 82/5 110/4 209/12 225/2 says [36] 47/13 47/19 55/22 61/17 63/25 65/17 66/4 66/7 66/16 66/17 67/3 70/11 70/19 71/1 71/10 74/13 74/17 76/13 76/22 77/17 78/5 78/15 78/23 80/3 80/10 84/9 85/8 85/23 91/5 92/21 92/21 95/20 95/22 110/21 128/20 129/9 scale [2] 49/7 181/17 scene [39] 36/2 41/14 41/15 43/13 43/15 43/25 46/10 81/9 136/14 144/14 146/21 149/5 149/6 149/15 151/7 151/11 151/14 151/17 151/20 151/22 152/14 152/23 154/20	

S	179/21 182/9 182/10 190/2	69/21 73/7 74/21 75/6 76/25 79/25 83/11
sheriff [10] 134/12 135/4 135/16 135/25	single [2] 29/1 206/23	83/22 84/20 84/25 85/1 85/11 85/12 85/17
136/4 136/6 144/9 144/9 198/21 198/22	sir [7] 132/25 134/9 155/3 204/6 215/22	85/18 86/8 86/16 87/8 87/13 92/4 92/24
Sheriff's [7] 25/3 112/4 135/19 135/20 136/2	215/24 217/21	100/12 106/7 107/4 117/23 120/5 123/25
136/4 188/2	sister [22] 29/4 33/3 79/6 79/11 107/16	125/18 126/17 126/22 130/24 139/6 140/10
Sherry [4] 31/20 44/13 72/13 77/22	123/20 124/4 124/19 125/12 125/17 125/25	141/15 141/16 142/17 145/22 145/22 145/23
shift [1] 160/14	126/6 126/18 127/16 127/24 129/2 130/14	147/3 149/5 149/5 151/12 160/20 163/24
shifting [1] 58/17	130/16 130/23 131/7 131/18 131/21	164/6 166/18 173/10 173/11 173/13 174/21
ship [1] 170/24	sister's [6] 32/17 38/12 38/13 38/14 125/2	175/1 175/3 175/19 178/13 180/23 186/23
shoe [1] 211/14	126/24	186/23 186/25 194/7 194/7 194/12 194/15
shoes [2] 174/11 211/15	sisters [5] 79/12 107/4 107/14 107/19 123/25	194/20 205/12 206/16 207/8 207/14 208/3
shoot [1] 73/3	sit [1] 21/9	220/4 221/14 221/19
shoots [1] 67/3	site [2] 7/1 42/25	somebody [16] 27/19 28/5 58/1 60/10 60/11
shop [7] 124/7 124/13 138/8 141/18 141/22	sitting [3] 23/15 63/4 79/5	61/17 81/5 96/23 106/3 199/3 199/6 199/13
205/13 205/14	situation [1] 97/2	207/8 207/11 209/12 209/16
shopping [5] 107/17 124/5 124/11 125/17	six [6] 22/1 39/3 51/20 79/20 79/23 170/24	somebody's [1] 110/7
127/15	Sixty [2] 183/8 184/20	someone [3] 204/18 209/5 212/6
short [1] 36/9	Sixty-eight [1] 184/20	someplace [1] 104/8
shorthand [1] 226/10	Sixty-three [1] 183/8	something [20] 12/10 28/19 29/20 31/8
shortly [6] 84/3 144/15 144/16 144/20	size [3] 25/16 42/16 50/23	39/17 59/14 72/16 85/10 92/2 98/14 110/13
146/16 197/25	skeleton [2] 45/18 45/19	112/23 119/2 161/9 161/11 174/6 212/4
shot [7] 70/12 71/14 72/2 72/17 72/20 72/24	sketch [1] 182/2	215/16 218/13 222/12
73/15	sketches [1] 181/25	sometime [6] 38/20 46/17 46/21 46/25 108/3
should [23] 5/3 5/5 6/1 6/3 7/6 8/6 12/6	skin [1] 52/21	164/2
12/16 12/24 16/3 18/23 19/20 57/23 64/10	skip [4] 87/13 87/18 88/1 142/3	sometimes [6] 64/3 79/12 87/11 93/1 119/15
66/14 66/14 67/12 67/12 77/25 161/8 161/14	skipped [1] 88/14	162/16
192/22 201/5	skipping [1] 172/11	somewhat [2] 26/19 158/24
shouldn't [3] 89/7 96/25 101/7	skull [1] 73/20	somewhere [3] 140/23 148/6 200/5
show [67] 20/20 26/4 28/7 34/23 36/11 38/11	slash [1] 167/23	son [1] 112/16
40/9 41/3 41/20 46/13 48/7 52/6 53/12 56/23	sleep [2] 61/7 124/5	sons [3] 32/19 32/19 113/4
57/25 61/18 62/25 71/24 74/21 76/16 77/11	slept [1] 213/15	sop [1] 85/13
81/19 81/21 86/11 95/15 96/23 110/22	sliding [2] 165/2 186/20	sorry [15] 107/7 117/3 132/4 141/20 151/6
118/13 119/5 121/3 121/10 125/6 127/18	small [3] 35/2 42/16 85/10	168/17 181/1 185/8 185/11 189/25 199/15
128/11 129/6 129/20 130/3 137/4 139/7	smaller [2] 137/2 158/3	203/18 208/1 211/23 221/8
141/9 146/7 147/23 148/2 148/11 155/20	smile [1] 103/9	sort [2] 86/16 209/12
156/5 158/17 159/12 165/3 170/3 171/7	snapped [1] 121/20	sound [2] 221/10 222/1
172/3 172/25 173/15 174/2 174/23 176/11	snarling [1] 166/16	sounds [3] 221/11 222/2 224/23
178/1 182/11 182/19 183/13 186/6 186/10	sneakers [2] 174/11 174/13	source [2] 6/2 92/4
187/22 189/24 218/2 223/14	snow [2] 71/16 71/17	south [31] 137/8 137/9 137/10 138/12
showed [7] 81/25 109/24 159/11 199/20	snowmobile [1] 191/13	138/17 138/21 140/6 142/16 143/7 152/24
200/17 206/9 218/18	so [136] 11/7 12/25 16/4 18/24 19/20 20/20	153/8 153/8 154/2 155/17 156/2 156/9 157/6
showing [19] 104/2 106/24 121/13 140/1	21/8 22/6 22/10 22/18 23/8 24/14 25/23	158/11 159/25 160/2 160/4 169/19 184/5
143/23 150/11 150/17 153/10 155/5 157/19	25/25 27/5 27/22 27/24 29/25 31/15 33/5	184/12 184/24 185/2 185/6 187/3 191/7
157/22 159/20 163/18 165/24 167/14 169/2	34/12 36/22 36/25 38/13 40/11 44/8 44/10	191/16 210/13
173/10 178/14 190/13	45/9 45/16 45/22 45/25 46/17 47/15 50/15	southeast [5] 140/3 155/8 157/2 157/23
shown [7] 12/10 72/7 135/12 173/1 189/20	50/16 50/21 53/18 55/12 58/3 60/13 60/21	191/24
192/23 211/4	61/6 63/2 67/13 71/15 74/6 75/12 75/14 80/1	southwest [3] 143/2 158/2 169/4
shows [9] 25/23 95/4 107/22 130/25 131/2	81/11 82/19 83/8 84/11 87/12 89/1 95/2	space [3] 173/10 173/11 173/12
131/8 149/5 170/25 185/11	99/21 100/15 100/23 101/1 101/4 104/9	span [1] 203/6
shred [1] 214/20	104/9 104/10 105/3 107/22 108/10 110/7	spare [1] 191/5
shy [3] 90/15 90/18 93/13	111/17 112/3 112/22 112/22 112/23 115/15	spatter [3] 51/13 74/18 80/8
sibling [1] 124/17	116/11 116/12 117/11 126/15 129/18 135/10	spatters [1] 51/14
siblings [1] 108/16	136/6 137/3 139/1 139/5 140/9 141/8 142/3	speak [7] 5/23 5/25 109/6 134/2 135/10
side [25] 7/1 32/2 32/5 67/5 74/12 76/11	142/13 143/4 146/19 148/10 151/16 154/10	209/2 214/2
84/23 85/1 86/17 88/3 143/2 147/9 147/11	154/21 158/25 160/18 163/2 165/18 166/5	speaking [1] 194/21
148/1 148/7 148/13 155/18 156/9 158/10	167/15 168/13 170/12 171/6 178/23 181/17	special [7] 1/14 1/16 1/18 4/9 23/23 133/19
159/21 159/24 160/2 170/25 171/21 184/18	187/7 190/1 195/18 199/3 199/13 201/1	164/1
sidebar [2] 133/3 173/4	201/11 202/20 203/8 205/7 205/15 206/7	specialist [1] 31/19
sides [2] 4/21 88/1	207/8 207/12 208/23 209/2 209/10 210/22	specific [7] 8/5 8/12 125/22 160/14 200/8
sign [4] 143/25 144/3 178/5 207/17	211/1 211/17 212/21 216/8 216/13 216/15	201/23 208/4
signed [1] 145/1	218/15 218/25 222/9 223/4 224/5 224/7	specifically [4] 172/22 173/24 177/22 179/19
significance [2] 37/24 151/1	224/8	speculation [1] 20/7
signs [1] 198/11	socially [3] 90/16 90/18 95/12	spell [3] 102/17 123/11 133/12
silver [2] 223/25 224/2	soda [5] 50/12 51/18 131/21 131/22 131/25	spend [1] 107/18
similar [8] 47/2 91/21 127/12 127/24 130/12	sodas [1] 131/23	spent [2] 107/16 131/7
138/25 146/15 161/9	sold [1] 79/10	spilled [1] 85/11
similarities [1] 87/7	solely [1] 6/15	spine [1] 75/25
Simley [1] 76/4	some [115] 4/19 22/11 22/24 24/14 26/7	splashed [1] 78/17
simple [2] 89/1 92/13	26/21 27/3 27/4 31/1 31/2 31/9 33/13 33/14	spoke [2] 193/10 193/12
simply [8] 92/2 93/4 161/2 161/6 207/2	35/16 39/12 43/21 44/2 44/14 45/8 45/9	spoken [1] 162/9
209/12 216/16 222/7	49/25 51/24 55/2 55/18 56/1 56/3 56/16 58/8	sports [1] 125/1
since [9] 22/7 26/6 112/25 128/19 161/9	59/5 61/4 61/4 61/18 62/18 62/22 62/24 63/8	spot [1] 215/12
	63/10 63/11 64/14 64/15 65/10 65/12 68/16	Spots [1] 175/5

S	Steven [147] 24/20 26/19 28/10 30/15 30/20 30/21 30/22 31/1 31/15 31/19 32/13 33/2 36/15 37/3 37/21 38/3 38/9 39/24 39/25 40/6 40/15 40/16 40/24 41/7 41/10 46/7 46/12 46/23 46/24 47/9 47/14 47/23 49/16 49/21 49/21 49/24 50/1 51/19 51/21 51/23 52/5 52/17 52/23 53/5 53/7 62/19 64/20 66/6 66/13 66/18 66/19 68/15 69/7 71/6 71/11 71/19 75/11 75/14 77/23 77/23 80/24 84/3 84/4 84/18 84/18 85/7 85/11 85/16 85/20 85/23 85/24 88/25 89/4 89/18 89/21 89/23 90/9 91/5 106/13 113/14 122/20 137/14 137/16 138/11 138/19 139/13 139/19 163/16 163/20 164/10 164/11 166/1 166/20 167/3 167/19 168/12 168/21 169/6 170/25 171/14 175/18 176/19 177/2 177/18 183/9 183/16 183/23 184/17 184/19 184/22 185/2 185/2 185/3 185/20 185/21 186/2 186/3 186/13 187/3 187/4 187/14 187/20 187/24 188/6 188/15 188/23 190/7 190/14 190/20 190/22 191/1 191/4 191/6 191/9 191/11 191/16 192/7 192/9 192/10 192/12 194/8 195/8 195/10 213/11 215/5 216/5 224/11	superior [2] 59/15 197/15 supervisor [1] 134/11 supper [1] 83/13 support [2] 70/7 99/13 supposed [1] 93/23 sure [21] 25/18 75/8 98/8 98/21 99/21 112/18 113/7 115/16 117/11 129/7 133/4 137/1 146/22 173/5 199/21 200/3 215/16 217/8 220/12 220/25 225/1 surprise [1] 203/1 surprised [1] 70/2 surrounding [3] 139/23 179/23 183/17 survey [1] 136/15 suspect [5] 55/13 61/1 62/5 62/15 70/5 suspects [4] 57/12 57/18 58/4 58/6 SUV [18] 33/23 33/25 39/1 39/4 39/6 39/15 40/19 49/17 50/9 50/11 52/1 67/9 74/16 74/25 76/22 76/24 89/24 162/11 Suzuki [1] 191/12 swab [1] 77/20 swabs [1] 77/19 swear [1] 4/15 sweat [4] 52/25 77/23 77/24 90/6 sweatshirt [2] 84/13 85/25 sweaty [1] 64/22 sweep [4] 162/17 162/19 165/23 210/2 sweeps [2] 162/24 210/7 swept [1] 167/6 switching [1] 130/22 sworn [5] 4/18 6/17 102/15 123/9 133/10 sympathy [1] 20/8 system [1] 22/21
spring [1] 120/7 squashed [1] 206/24 SS [1] 226/1 stabbed [1] 56/2 stabs [1] 66/19 Stachowski [2] 69/6 80/23 stacked [1] 149/4 stage [1] 101/11 stages [1] 58/18 staging [1] 140/22 Stahlke [2] 51/12 80/7 stain [2] 78/10 78/11 staining [1] 175/2 stains [20] 50/10 74/19 74/19 174/22 174/24 175/3 175/5 175/8 175/12 175/13 176/7 194/3 194/7 194/15 194/17 194/19 194/22 194/24 195/1 221/14 stand [4] 101/3 123/4 133/7 208/25 standard [2] 45/14 51/7 standing [4] 55/22 143/5 149/13 200/9 stands [1] 225/10 start [9] 53/4 56/23 58/13 62/25 83/5 87/18 126/8 181/8 224/18 started [8] 56/8 62/13 104/24 105/3 111/18 112/10 163/15 211/10 starting [3] 36/13 141/12 204/14 startling [1] 38/25 starts [3] 40/19 55/17 91/4 state [65] 1/1 1/3 1/14 1/16 1/18 4/3 4/5 8/24 9/25 10/21 12/12 13/10 14/9 15/4 16/14 17/14 18/8 19/14 27/12 31/11 43/12 44/20 53/12 53/13 54/18 70/17 70/17 89/16 91/7 91/22 92/16 94/4 95/1 97/4 98/17 99/4 99/14 99/15 99/19 102/6 102/11 102/16 123/3 123/10 133/6 133/11 143/22 144/2 149/14 152/11 154/15 154/17 158/16 158/19 170/12 170/13 171/18 180/7 181/12 197/2 197/6 206/21 220/18 226/1 226/5 State's [5] 96/17 96/24 100/12 100/18 161/12 stated [1] 167/22 statement [35] 20/18 21/23 22/10 23/7 23/11 27/6 53/23 54/13 56/7 61/1 61/20 62/13 62/20 63/16 63/23 67/6 70/23 86/13 91/3 91/13 92/13 92/15 92/15 92/21 98/25 99/24 100/16 100/22 140/19 172/13 179/1 189/14 193/6 195/20 198/12 statements [39] 3/4 7/15 12/4 15/20 20/18 20/23 23/10 26/2 27/4 62/9 63/9 64/10 68/25 69/9 70/16 72/4 77/18 78/4 81/3 91/1 91/10 91/11 92/1 92/3 92/11 92/11 93/11 94/3 94/25 95/23 96/2 97/11 97/13 99/10 101/8 101/18 101/20 175/6 193/8 statewide [1] 133/24 station [3] 91/12 170/5 181/14 status [1] 205/8 stay [2] 220/11 220/15 stayed [3] 114/18 220/8 220/8 staying [1] 220/14 steel [4] 148/18 149/8 150/5 191/20 steering [1] 167/1 stenographic [1] 226/9 step [3] 123/2 133/1 224/16 stepfather [1] 75/7 steps [5] 48/11 112/14 113/9 177/6 188/1 sternly [1] 95/21 Steve [24] 55/3 55/22 56/1 56/2 62/19 66/16 66/20 67/3 72/4 77/1 77/12 77/17 78/1 82/6 84/8 84/10 139/11 143/8 184/16 194/14 194/14 213/25 214/7 214/21 Steve's [5] 64/5 73/2 78/18 78/22 191/24	still [13] 26/24 43/18 44/24 45/8 62/14 83/21 121/5 149/3 160/24 176/5 192/16 204/19 208/25 stipulate [1] 178/13 stipulated [3] 6/24 22/6 179/11 stipulation [1] 179/12 stoke [1] 55/25 stone [2] 185/5 191/17 stood [1] 28/9 stop [8] 5/18 25/24 47/7 47/8 67/25 96/20 108/2 109/8 stopped [2] 109/25 116/17 stops [5] 46/22 47/3 47/3 113/4 113/6 storage [2] 173/10 173/12 store [2] 79/10 124/13 stored [1] 155/23 stories [1] 91/19 story [10] 26/25 29/8 51/2 86/13 87/3 87/4 87/10 91/18 93/6 97/17 straight [3] 186/14 186/14 212/18 street [1] 83/1 struggled [1] 52/11 student [1] 90/13 studio [3] 105/6 105/8 109/24 stuff [2] 45/25 221/19 Sturm [6] 33/19 116/3 116/6 116/7 116/8 116/25 Sturms [2] 48/24 199/10 submission [1] 44/19 submit [1] 18/20 subsequently [1] 135/6 substance [2] 195/8 195/12 substantial [1] 11/4 substantially [1] 95/12 such [8] 5/9 20/2 20/11 99/9 133/23 152/1 170/1 194/20 Suffice [1] 34/6 suggest [3] 92/17 160/15 221/24 suggestible [3] 90/16 90/19 96/4 suggesting [1] 202/20 suggestion [3] 54/11 61/2 95/14 suggestions [4] 54/14 62/5 62/6 62/7 suggests [1] 92/5 Suma [1] 104/16 summers [2] 129/14 130/14 Sunday [11] 37/16 37/22 49/4 107/21 107/24 108/2 108/5 108/9 130/23 157/15 167/7	tab [1] 220/11 table [1] 23/16 Tadych [9] 75/7 83/17 83/17 137/18 167/18 173/9 192/4 214/8 224/1 Tadych's [3] 176/18 177/1 215/25 Tag [3] 223/21 223/24 224/2 tailgate [1] 51/17 take [58] 7/14 11/9 22/1 23/5 29/10 29/23 32/4 38/19 40/10 43/8 49/25 53/3 53/9 54/8 54/10 66/22 68/1 68/1 70/13 70/13 70/20 73/6 73/24 77/19 79/19 87/14 92/12 94/5 94/6 94/6 94/9 94/10 97/24 98/18 99/3 106/5 118/10 121/16 124/24 127/14 128/10 132/23 135/23 136/4 148/10 150/7 160/17 160/20 167/19 183/12 193/15 202/16 203/10 211/1 215/18 215/18 217/9 223/21 taken [20] 39/1 47/24 105/15 106/1 106/4 106/17 150/15 151/3 170/16 170/21 173/19 173/21 174/12 182/20 187/9 203/20 216/10 223/25 224/3 226/9 takes [8] 33/16 34/8 47/3 48/1 83/3 84/1 85/11 209/16 taking [11] 7/16 47/6 54/15 54/15 67/21 84/11 101/3 105/11 105/12 166/4 176/4 talk [25] 23/13 27/15 42/19 47/15 50/6 60/25 62/8 62/8 64/4 64/14 65/6 65/16 74/18 75/11 78/8 78/11 83/5 83/25 87/21 156/24 167/15 188/3 212/21 215/19 225/2 talked [20] 49/15 51/3 61/2 68/13 75/19 92/19 111/23 126/1 141/8 142/2 153/19 158/6 165/23 168/5 182/24 189/17 191/17 192/3 220/4 221/18 talking [31] 26/1 53/4 55/3 55/11 58/21 82/5 106/10 106/10 114/16 121/9 128/12 128/15 129/19 138/16 139/15 147/13 147/19 148/12 153/4 159/20 183/13 200/14 208/2 212/22 214/2 214/7 220/23 221/13 221/17 222/13 222/16 talks [3] 47/11 83/25 86/3

<p>T</p> <p>tampered [1] 146/23</p> <p>tank [1] 164/12</p> <p>tanks [2] 205/15 205/21</p> <p>tape [2] 38/16 163/25</p> <p>taped [1] 91/10</p> <p>Target [1] 119/12</p> <p>task [1] 21/15</p> <p>team [11] 23/14 24/21 125/2 125/9 163/12 163/14 163/15 165/12 165/13 165/18 165/22</p> <p>teamed [1] 169/24</p> <p>teams [10] 162/24 163/3 165/9 165/14 169/25 180/2 180/21 209/25 210/5 210/6</p> <p>tear [1] 209/8</p> <p>teased [1] 127/1</p> <p>tech [1] 21/4</p> <p>technique [7] 56/17 56/20 59/14 60/2 60/3 61/10 61/11</p> <p>techniques [4] 58/3 58/8 58/8 59/12</p> <p>tedious [1] 225/1</p> <p>teeth [1] 76/11</p> <p>telephone [1] 100/15</p> <p>television [1] 130/25</p> <p>tell [112] 20/19 26/3 26/24 27/5 27/22 36/5 39/9 39/9 43/9 44/25 45/1 53/11 56/24 57/6 58/12 66/11 67/14 68/11 68/18 69/16 69/17 73/10 73/16 74/1 75/23 75/25 80/8 85/24 89/12 94/1 102/21 103/18 103/25 105/19 106/25 107/4 108/8 110/12 110/15 111/12 114/5 115/8 116/6 118/14 119/6 119/10 121/14 123/18 125/7 126/5 127/5 129/8 129/24 133/17 134/16 134/21 136/19 136/20 139/8 140/1 140/21 141/10 142/25 143/24 144/25 146/9 147/9 147/24 148/23 149/22 150/12 151/19 153/14 155/7 156/25 157/10 157/21 158/18 159/6 159/15 163/19 164/9 167/16 169/16 169/22 170/4 170/14 170/22 171/20 171/23 172/3 173/2 173/20 174/2 174/7 174/10 174/15 175/11 176/1 176/12 177/13 178/2 178/15 183/6 186/10 186/25 187/13 188/4 188/14 188/21 210/22 223/22</p> <p>telling [7] 28/14 58/10 69/1 70/3 200/10 219/10 219/19</p> <p>tells [5] 28/20 35/12 64/22 74/24 75/2</p> <p>tempo [1] 87/17</p> <p>temporarily [1] 155/23</p> <p>ten [7] 45/23 47/18 67/3 72/20 85/25 86/4 109/2</p> <p>tend [4] 60/17 87/13 118/21 223/17</p> <p>tendencies [1] 95/13</p> <p>tendering [1] 193/2</p> <p>tending [2] 75/11 75/16</p> <p>tends [1] 55/16</p> <p>tennis [2] 174/11 211/15</p> <p>tent [4] 72/6 72/8 189/5 189/9</p> <p>tents [2] 71/23 189/3</p> <p>Teresa [167] 10/25 11/2 11/6 15/8 15/9 15/12 18/12 18/13 18/16 18/19 21/19 28/23 33/22 33/24 34/10 34/11 35/4 35/20 36/19 36/21 36/23 37/19 38/10 38/17 39/1 40/9 40/18 43/1 45/15 45/21 46/4 46/9 46/17 47/12 47/22 48/4 48/7 48/11 48/14 50/12 50/14 51/1 52/12 52/18 55/1 55/3 55/7 55/10 55/23 56/2 56/10 64/1 65/3 65/20 66/4 66/14 66/20 66/25 70/12 71/1 71/9 72/13 72/17 73/3 73/15 73/19 74/14 74/20 76/1 76/5 78/24 79/8 79/11 79/15 80/18 80/19 81/24 91/5 95/24 102/23 103/1 103/15 103/18 104/1 104/3 104/20 105/4 105/20 106/2 106/6 106/15 106/20 107/1 107/3 107/11 107/14 107/15 107/18 107/20 108/14 108/19 108/25 109/7 109/11 109/13 109/16 109/21</p>	<p>109/23 110/5 110/9 111/21 111/22 112/8 112/24 113/5 113/19 114/1 115/5 115/9 115/11 118/1 118/21 119/3 120/16 121/15 122/17 122/17 123/18 123/21 124/1 124/10 124/13 124/17 124/23 125/1 125/12 125/21 126/18 127/13 129/2 129/11 129/13 130/24 131/7 131/18 131/21 134/15 142/9 146/6 153/22 156/6 156/17 156/21 157/14 159/6 161/21 163/1 167/11 167/19 169/11 177/6 178/19 180/25 198/12 204/21 210/8 215/4</p> <p>Teresa's [47] 39/6 40/22 48/11 50/11 51/5 56/4 65/21 68/17 68/23 69/4 74/7 74/15 74/23 76/6 76/10 77/13 77/16 78/19 79/5 79/7 79/14 80/10 104/13 105/21 109/3 111/11 111/15 112/9 112/17 114/7 115/12 116/18 117/1 118/6 118/20 119/22 119/25 122/1 124/4 126/20 135/13 141/1 156/8 156/13 158/4 158/13 205/25</p> <p>term [4] 19/22 23/23 93/9 200/22</p> <p>terrible [1] 39/17</p> <p>tes [1] 206/19</p> <p>test [1] 73/7</p> <p>testi [1] 206/14</p> <p>testified [19] 102/15 123/9 133/10 197/19 198/19 199/8 200/19 202/12 204/25 205/23 206/21 207/19 209/25 212/24 213/2 216/5 217/13 217/18 218/21</p> <p>testifies [1] 101/17</p> <p>testify [5] 22/11 75/8 75/25 95/10 95/10</p> <p>testifying [1] 206/4</p> <p>testimony [23] 6/17 7/8 8/3 8/5 8/7 8/8 22/2 22/4 34/1 36/7 50/19 54/9 56/13 59/21 60/6 61/18 66/17 69/14 88/7 95/4 95/15 101/25 209/11</p> <p>testing [1] 31/24</p> <p>tests [2] 95/10 201/1</p> <p>text [2] 22/15 25/23</p> <p>than [24] 26/4 47/18 47/20 59/18 59/19 60/10 62/12 68/4 70/14 71/18 105/11 107/9 107/11 123/21 123/22 123/25 150/8 158/22 165/13 183/3 203/6 212/3 212/23 213/1</p> <p>Thank [16] 21/5 53/23 82/16 82/18 97/17 122/5 123/1 132/2 132/25 161/4 162/5 179/14 196/3 196/20 211/19 224/14</p> <p>thankfully [1] 67/8</p> <p>that [1319]</p> <p>that's [102] 32/24 46/13 46/18 50/17 52/23 54/19 63/21 65/8 66/7 66/12 68/8 71/14 74/5 74/20 77/23 86/12 86/22 89/8 89/13 89/16 90/8 90/17 96/6 96/19 96/25 101/2 101/14 101/24 103/9 104/17 115/18 115/23 115/23 115/25 117/8 122/4 128/17 132/2 136/13 138/7 139/15 140/20 141/3 143/25 144/6 144/11 145/10 145/25 147/25 157/1 157/18 157/25 158/1 158/4 159/22 159/25 165/21 166/1 167/9 167/25 169/9 169/10 170/5 170/15 171/21 173/21 174/4 174/11 178/3 179/12 182/5 185/10 186/9 186/22 186/22 186/25 187/11 189/16 189/25 190/25 192/18 193/20 197/13 197/18 198/6 200/11 200/25 201/14 201/19 208/14 210/25 211/6 212/8 213/17 214/5 214/6 218/3 220/7 222/2 222/5 223/1 224/13</p> <p>their [221] 5/23 8/14 19/6 36/19 54/13 58/24 61/6 87/6 88/11 88/19 92/6 93/6 96/18 100/14 106/1 107/5 107/21 114/20 152/5 179/4 180/21</p> <p>them [70] 5/23 7/22 8/13 33/7 40/2 47/4 56/5 57/6 67/23 70/3 76/9 79/17 79/21 84/22 85/15 89/12 92/19 93/20 94/5 96/14 101/12 103/14 106/4 106/5 111/17 113/13 114/24 115/15 117/10 119/4 126/4 126/14 127/4 128/6 128/10 129/20 130/22 153/5 153/12</p>	<p>165/15 174/22 175/17 176/4 176/5 176/7 176/16 178/9 181/23 182/24 194/18 203/16 203/18 203/19 206/25 206/25 207/1 207/2 207/3 207/4 207/6 209/8 209/9 213/5 213/18 213/23 215/19 217/3 218/18 218/22 220/15</p> <p>theme [5] 86/17 86/18 87/6 91/20 93/6</p> <p>themselves [6] 27/19 42/2 61/5 170/7 170/18 175/21</p> <p>then [74] 9/6 13/16 16/20 39/20 47/6 48/3 49/1 49/2 50/13 53/11 55/20 56/25 58/15 59/6 60/20 66/13 81/11 86/5 86/19 88/13 91/12 96/19 99/11 99/23 103/15 103/15 103/16 105/1 105/2 106/2 106/5 107/11 108/19 111/18 111/22 112/3 115/8 117/13 121/24 121/25 130/2 130/22 138/21 139/22 141/23 147/8 149/11 152/10 153/8 154/22 157/8 158/2 159/6 159/23 162/7 164/11 170/20 171/2 171/17 184/18 184/24 185/4 188/12 189/9 195/2 195/4 195/20 196/19 200/2 210/11 211/1 212/21 216/13 222/13</p> <p>theory [1] 56/21</p> <p>there [151] 5/3 11/19 26/9 31/9 35/21 36/2 41/24 43/24 45/17 46/11 46/20 47/16 47/16 54/20 54/21 55/7 58/3 62/11 64/12 68/5 69/13 71/22 72/22 73/22 74/10 75/15 80/17 81/9 81/25 82/1 84/16 87/5 87/6 87/7 87/8 90/5 91/25 92/6 92/9 95/1 95/2 97/15 99/1 101/21 102/1 103/12 103/22 104/11 108/16 112/5 121/5 121/8 129/15 134/25 135/1 135/3 135/9 135/10 135/15 135/15 135/17 135/21 136/7 137/15 137/23 140/11 140/11 140/12 140/22 141/2 141/3 141/6 141/14 141/25 142/10 143/15 148/6 148/20 149/4 149/13 149/18 152/2 152/16 152/19 154/19 155/1 155/1 155/14 158/12 158/25 161/9 163/9 164/17 166/22 168/10 168/11 169/1 169/21 170/6 170/20 173/11 183/18 184/6 185/3 185/4 188/1 188/10 188/19 188/20 190/19 191/13 191/20 196/6 196/8 197/24 198/7 198/9 198/24 199/19 200/2 200/9 200/10 201/1 201/4 201/13 203/23 204/9 204/13 204/17 207/21 211/2 211/7 211/16 215/3 215/10 215/21 216/10 218/1 218/8 219/1 219/1 219/3 219/3 219/8 219/8 220/8 220/8 220/14 220/15 220/22 224/9</p> <p>there'll [1] 33/25</p> <p>there's [47] 33/5 33/9 33/10 33/10 33/11 35/23 43/10 57/10 59/11 61/13 69/16 85/9 86/19 91/19 92/2 98/1 103/15 107/10 121/24 137/12 137/14 137/22 138/5 138/17 141/3 141/14 147/15 148/5 157/24 160/20 161/20 162/20 163/24 166/6 175/1 179/25 188/8 190/24 191/5 191/12 204/2 205/5 207/17 208/18 211/6 215/16 218/6</p> <p>thereafter [3] 68/19 144/16 226/11</p> <p>these [74] 4/21 20/25 25/22 32/5 33/1 33/8 33/20 37/1 39/6 39/21 40/22 42/11 43/9 44/11 45/24 54/20 58/4 58/5 62/9 64/24 66/7 70/20 70/21 70/25 71/22 73/11 74/6 74/12 75/21 78/3 78/15 78/16 80/15 81/12 85/14 90/25 91/16 92/1 92/11 93/3 94/3 94/7 94/24 95/23 114/10 119/16 128/3 140/5 143/19 159/8 173/16 181/5 181/9 181/11 182/11 182/12 182/25 183/5 183/25 184/7 184/7 186/17 187/7 189/13 192/6 204/12 204/12 209/25 210/5 215/20 216/24 217/4 218/17 218/24</p> <p>they [228]</p> <p>they'd [3] 107/22 114/20 219/18</p> <p>they'll [5] 58/25 88/5 94/18 196/19 224/8</p> <p>they're [29] 34/10 36/22 36/23 37/19 42/22 42/23 56/11 57/12 68/25 74/4 79/9 83/5 84/19 85/6 88/8 88/11 90/22 93/14 93/14</p>
--	--	---

T	94/9 114/11	town [2] 30/9 143/19
they're... [10] 93/15 94/19 122/8 153/15	throw [5] 62/1 76/19 84/25 85/15 218/13	Toyota [12] 40/17 40/18 49/16 68/22 106/23
161/24 165/14 179/21 181/10 196/18 205/14	thrown [5] 68/9 68/23 69/2 76/13 78/25	117/1 117/4 117/7 146/11 149/1 149/18
thing [8] 23/13 59/11 89/11 92/21 119/18	throws [1] 67/17	153/9
129/2 129/19 178/11	Thursday [5] 29/16 43/2 109/22 113/24	tractor [1] 78/10
things [35] 5/9 22/18 31/1 33/12 40/12 45/3	115/6	trailer [51] 32/13 32/16 32/24 32/25 33/5
59/21 61/18 62/18 63/13 64/11 68/3 70/20	tied [2] 65/3 100/15	34/18 36/1 36/15 37/2 40/6 40/15 41/7 41/7
81/6 81/7 81/14 91/16 91/21 95/20 95/20	tight [1] 87/13	43/20 64/5 64/7 65/15 71/2 71/7 71/7 137/12
95/22 118/21 119/16 124/2 124/5 124/7	Tim [7] 43/11 43/13 103/15 111/15 112/9	137/14 137/22 139/13 152/9 152/10 163/17
124/23 124/25 128/14 128/24 195/24 201/16	121/25 181/11	163/20 163/21 164/11 164/13 164/15 164/20
205/20 209/19 210/1	time [83] 5/18 5/18 11/16 11/20 11/25 32/6	165/1 165/4 165/24 166/2 168/3 168/5 168/6
think [55] 26/3 26/17 27/22 46/12 59/16	32/18 32/19 34/12 36/4 36/9 38/18 48/21	186/17 187/25 188/7 190/14 190/20 190/23
60/20 63/1 63/2 86/13 89/19 94/19 94/24	49/11 49/17 53/8 53/21 66/1 69/3 70/14 78/3	191/1 191/4 191/8 192/10 201/8
100/16 101/16 101/21 103/9 104/19 107/3	81/21 81/23 82/20 83/10 83/18 84/3 88/21	trailers [1] 32/11
107/10 115/18 116/11 116/24 117/17 118/4	88/21 89/12 90/12 92/18 92/19 94/8 98/2	trained [7] 35/18 90/20 90/22 90/23 90/24
118/5 119/17 120/7 120/9 122/16 125/16	99/3 100/4 105/5 105/23 107/16 107/18	95/18 165/20
127/4 136/19 140/16 141/7 141/21 149/9	107/25 108/25 109/15 109/20 112/1 120/18	traipsing [1] 198/8
155/9 161/8 161/14 164/2 166/17 183/1	127/12 128/9 128/20 134/17 135/6 137/18	transaction [4] 47/5 48/1 71/5 178/6
193/17 195/15 196/5 202/17 210/14 211/21	144/12 144/13 144/16 152/2 154/12 158/24	transactions [1] 48/16
212/3 218/4 218/11 219/13 220/9 222/15	160/16 162/22 178/25 189/24 193/14 194/2	transcribed [1] 226/11
224/13	195/25 196/3 196/12 197/19 197/24 199/21	transcript [4] 2/2 8/3 226/8 226/12
thinking [1] 182/5	200/3 201/1 201/4 201/6 205/11 209/16	transcription [1] 226/11
thinner [5] 68/21 78/6 78/12 85/17 195/3	213/9 217/25 218/14 221/6 222/16 224/1	transport [3] 152/3 152/8 165/17
third [2] 6/23 41/1	timeline [4] 45/22 46/6 47/15 55/6	transported [4] 41/22 151/17 152/1 152/11
thirteen [1] 132/7	timers [1] 121/18	travel [1] 212/12
thirty [2] 167/3 200/6	times [12] 46/11 63/5 67/3 72/20 88/20	traveling [1] 84/19
Thirty-nine [1] 167/3	93/17 93/18 93/19 94/7 97/6 106/17 201/21	treat [1] 93/24
this [345]	tinted [1] 147/15	treating [3] 83/7 83/10 83/17
THOMAS [7] 1/15 3/14 80/14 80/14 80/15	tip [1] 77/19	tree [2] 66/15 147/6
133/8 133/13	tire [1] 191/21	trial [31] 1/4 1/5 5/2 5/6 5/19 6/3 6/9 6/16
thorough [2] 40/14 71/20	tires [4] 84/21 168/23 169/1 169/3	7/14 7/25 7/25 8/3 8/9 12/20 15/24 20/22
those [99] 10/12 14/21 18/1 22/9 22/18 29/24	tissue [4] 45/8 45/9 199/11 204/3	21/21 21/22 22/2 26/11 68/2 86/14 86/20
33/11 35/14 37/11 37/17 40/12 42/15 45/3	title [1] 158/4	88/25 88/25 89/4 89/13 90/11 90/11 90/17
49/14 49/19 50/11 50/15 51/3 51/13 58/7	titled [1] 157/25	91/8
58/8 61/18 63/12 63/15 65/16 68/6 69/9	today [5] 4/22 46/21 79/3 160/19 176/6	trial's [1] 89/8
69/15 72/10 74/2 74/3 79/12 79/14 79/14	together [16] 107/16 108/1 108/11 114/1	trials [2] 26/7 87/8
79/15 79/18 79/23 80/9 99/10 120/2 125/3	115/12 124/2 125/19 128/4 130/25 131/3	trick [3] 83/7 83/10 83/16
126/8 126/25 127/8 127/20 127/22 128/5	131/8 131/8 163/13 165/12 165/19 165/22	tried [4] 195/1 199/3 199/5 202/24
128/5 128/8 128/12 128/13 128/14 128/24	told [28] 21/24 22/9 26/2 26/16 27/8 27/11	tries [1] 85/16
131/2 131/8 142/18 153/17 155/17 157/11	28/3 30/25 51/20 52/4 59/9 64/9 72/18 74/7	trip [1] 127/15
157/13 161/21 163/10 164/20 169/3 169/14	97/12 103/12 106/17 111/17 113/12 116/18	trips [1] 85/2
169/22 170/1 173/12 174/19 175/8 175/13	117/13 118/3 118/5 126/15 126/18 135/14	trooper [10] 170/11 170/12 170/13 170/16
175/22 176/5 176/9 176/12 176/15 176/22	141/1 216/16	186/4 186/12 187/9 189/19 197/3 212/8
176/24 178/15 180/6 180/24 181/24 186/23	toll [1] 178/17	troopers [2] 180/8 206/21
189/4 192/15 192/16 194/17 204/25 209/5	Tom [8] 4/7 25/3 90/21 104/25 109/22	truck [4] 34/4 164/14 166/3 167/4
209/18 213/8 214/22 215/21 215/25 219/11	111/17 121/24 133/6	true [7] 6/11 89/9 92/4 208/14 213/13
219/20 220/2 222/21 223/22	tomorrow [6] 164/2 188/3 224/9 224/18	213/17 226/12
though [10] 34/6 36/21 45/5 48/7 56/21 57/9	224/21 225/4	truth [6] 20/16 58/10 81/17 91/14 92/20
64/17 69/24 92/16 116/12	too [7] 38/22 61/13 110/8 111/18 148/6	221/21
thought [15] 114/22 115/17 127/12 194/16	157/19 159/13	truthful [2] 57/17 58/6
195/4 195/12 195/12 195/14 202/15 216/6	took [18] 42/10 43/16 68/22 70/14 104/10	try [12] 25/22 36/8 50/19 50/20 57/4 61/16
216/7 216/12 216/13 222/3 222/23	106/7 121/19 167/11 174/18 176/3 176/25	92/16 112/13 113/9 199/12 199/13 201/18
thousand [1] 180/4	177/2 199/14 200/3 200/4 203/21 206/25	trying [4] 56/22 112/7 113/19 215/11
thousands [1] 114/10	209/23	Tuck [1] 174/6
threat [4] 16/7 18/6 18/16 65/23	tooth [4] 76/5 76/5 76/7 76/10	Tuck's [1] 174/6
threatened [1] 18/18	top [6] 32/3 68/9 147/20 147/21 171/12	Tues [1] 164/3
three [31] 18/10 18/15 18/22 22/3 24/18	191/1	Tuesday [7] 40/13 41/17 41/24 42/10 109/24
26/14 27/9 37/12 49/14 50/18 62/4 78/8	topic [1] 194/2	118/4 169/17
91/15 91/21 94/24 107/21 111/25 115/14	topics [1] 160/14	turn [4] 33/17 34/8 110/23 112/10
138/6 146/7 158/23 180/12 182/1 183/8	tore [1] 209/22	turns [3] 40/20 87/5 87/6
183/8 192/13 200/5 200/6 215/21 216/7	torrential [1] 211/10	TV [4] 83/12 83/22 86/8 191/5
216/14	toss [1] 85/4	twelve [2] 132/7 132/19
three-dimensional [1] 183/8	tossed [1] 86/5	Twenty [4] 109/12 148/24 197/1 219/9
three-thirty [1] 200/6	total [1] 181/14	Twenty-five [1] 109/12
threw [2] 67/23 195/8	tour [7] 44/1 44/4 44/8 182/7 190/2 190/3	Twenty-four [1] 148/24
throat [1] 66/21	196/14	Twenty-seven [1] 219/9
through [25] 21/16 61/21 63/24 91/9 120/19	tours [1] 44/3	Twenty-two [1] 197/1
126/22 126/24 132/6 132/11 142/10 143/12	toward [8] 143/1 148/7 156/11 159/25	twice [6] 67/4 69/7 80/22 80/24 109/8 219/12
163/4 163/5 166/25 180/24 182/7 183/5	159/25 189/5 190/11 191/23	twists [2] 87/5 87/6
189/19 196/1 196/10 198/15 206/2 208/17	towards [8] 27/2 30/22 65/13 65/14 111/7	two [83] 10/23 11/5 15/6 15/11 18/13 23/8
209/9 209/13	171/8 186/21 187/21	24/24 25/22 26/11 33/18 37/12 37/21 46/22
throughout [7] 85/5 91/8 92/10 92/22 93/10	towers [1] 48/18	50/18 50/21 50/21 54/17 54/21 59/11 61/24
	Towing [1] 143/25	67/23 68/3 68/4 68/7 71/22 72/1 72/5 72/10

<p>T</p> <p>two... [55] 74/11 76/18 76/19 77/9 90/19 90/25 91/18 94/17 95/19 100/20 100/23 103/16 106/17 107/11 111/15 114/18 116/2 117/24 120/22 129/14 137/12 138/1 152/13 153/18 154/19 154/21 157/12 164/15 164/17 176/14 176/23 176/23 176/25 177/14 180/7 180/12 181/25 188/12 195/22 197/1 198/13 198/13 199/20 200/5 202/6 202/16 202/17 213/8 215/23 216/13 217/18 217/19 223/12 223/13 224/7</p> <p>two-and-a-half [2] 50/18 50/21</p> <p>two-man [4] 68/4 68/7 76/18 77/9</p> <p>two-week [1] 26/11</p> <p>type [8] 104/22 119/18 204/2 204/3 204/3 204/15 205/17 211/13</p> <p>Tyson [1] 188/2</p>	<p>163/3 169/24 175/18 184/21 185/4 188/9 188/18 191/1 191/17 194/3 194/5 194/14 194/17 194/24 194/25 195/8 199/20 200/17 201/7 201/15 202/10 202/23 202/25 205/25 207/6 207/7 210/23 211/3 216/7 216/12 216/13 218/4 219/13 220/5 220/11 220/19 220/22 221/19 222/4</p> <p>upon [16] 11/18 12/5 15/21 19/14 19/18 19/23 20/4 55/18 101/17 134/22 145/21 151/13 160/21 191/2 194/21 212/11</p> <p>upper [2] 159/22 174/25</p> <p>ups [1] 74/21</p> <p>us [90] 30/25 88/12 94/1 100/6 103/1 103/20 103/21 104/6 104/10 105/19 106/10 106/25 113/23 113/24 113/25 114/5 115/8 116/18 117/21 119/6 119/10 121/14 121/22 123/18 124/24 125/7 133/17 135/14 136/19 136/20 139/8 140/1 142/18 142/25 143/24 146/9 147/9 147/24 149/22 150/12 152/20 153/14 155/7 155/20 156/25 157/20 157/21 158/18 159/6 159/15 163/19 164/9 167/16 169/16 169/22 170/3 170/4 170/14 170/22 171/7 171/20 171/23 172/4 173/2 173/20 174/2 174/10 174/15 174/23 176/1 176/3 176/4 176/12 177/13 178/2 178/15 183/6 186/10 187/1 187/13 187/22 188/4 188/14 188/16 188/21 200/10 206/9 210/22 215/17 217/10</p> <p>use [17] 8/4 16/7 18/6 18/16 18/18 54/16 65/11 65/12 65/23 83/6 85/12 99/5 155/10 161/12 175/19 190/17 221/24</p> <p>used [23] 18/18 20/11 38/11 46/14 73/3 83/24 124/2 127/16 130/16 131/21 138/24 148/3 151/23 153/2 161/7 161/17 168/24 194/25 195/3 195/5 195/7 199/11 200/21</p> <p>uses [2] 63/20 181/14</p> <p>using [6] 38/13 38/13 113/8 136/25 194/23 207/13</p> <p>usually [2] 131/2 160/19</p> <p>utilized [7] 152/21 152/24 153/7 163/7 163/14 175/19 180/22</p> <p>UW [1] 104/15</p> <p>UW-GB [1] 104/15</p>	<p>155/17 155/21 155/22 156/3 156/16 156/17 156/18 156/22 158/23 158/25 159/1 163/5 180/4 194/20 204/25 205/5 205/8 205/12 206/1 206/10 206/16 206/24 208/11 209/8 209/17 209/23</p> <p>verbal [1] 202/3</p> <p>verdict [5] 6/8 19/2 19/15 19/21 20/9</p> <p>verified [1] 61/20</p> <p>verify [5] 61/16 70/6 70/16 70/18 80/4</p> <p>verifying [1] 71/8</p> <p>version [11] 55/2 56/16 58/24 63/25 64/1 65/1 119/14 184/21 188/18 189/21 218/5</p> <p>very [51] 21/9 23/9 31/23 32/6 32/7 34/2 34/8 35/2 35/2 39/15 42/16 42/16 42/17 49/4 51/14 53/23 58/1 58/1 58/19 60/8 63/5 63/10 63/11 63/11 65/10 65/12 65/12 67/21 70/2 70/2 72/24 72/25 87/15 89/1 91/17 91/17 94/3 97/18 100/8 103/3 103/3 103/4 107/15 110/5 110/7 117/21 156/22 159/10 166/14 183/6 215/12</p> <p>vicious [1] 42/7</p> <p>victim [2] 66/19 161/19</p> <p>victim's [1] 50/8</p> <p>video [3] 83/11 83/22 93/9</p> <p>videos [4] 93/3 94/7 94/18 95/15</p> <p>videotaped [2] 91/11 91/13</p> <p>videotapes [4] 22/16 91/16 91/17 91/18</p> <p>view [7] 72/9 184/11 186/7 187/12 189/21 190/6 191/24</p> <p>viewpoint [1] 166/1</p> <p>views [1] 183/25</p> <p>VIN [1] 34/9</p> <p>VINs [1] 208/24</p> <p>violated [1] 14/24</p> <p>violence [1] 65/22</p> <p>violent [1] 51/14</p> <p>Virginia [1] 80/15</p> <p>virtual [5] 44/3 44/8 182/7 190/2 196/14</p> <p>visible [1] 199/15</p> <p>visit [2] 43/25 83/19</p> <p>visiting [1] 182/10</p> <p>visual [3] 200/23 201/12 209/4</p> <p>visuals [1] 82/19</p> <p>vital [1] 6/10</p> <p>voice [3] 38/16 110/3 112/25</p> <p>volleyball [2] 125/2 125/9</p> <p>volume [1] 95/25</p> <p>volunteer [3] 37/13 169/24 180/11</p> <p>volunteers [2] 49/9 206/22</p> <p>Voyager [1] 167/18</p> <p>vulnerable [1] 95/14</p>
<p>U</p> <p>uh [902]</p> <p>ultimately [3] 136/8 165/22 195/5</p> <p>um [341]</p> <p>un [1] 209/8</p> <p>un-sandwich [1] 209/8</p> <p>unable [1] 202/21</p> <p>unattached [10] 137/15 139/14 139/21 163/21 164/12 166/2 167/4 183/15 183/17 184/6</p> <p>unattainable [1] 183/25</p> <p>uncle [20] 55/2 56/1 56/1 62/18 63/14 64/4 66/11 66/20 67/3 73/1 77/1 77/11 77/16 78/1 78/17 78/21 82/4 82/5 84/5 84/18</p> <p>unclothed [2] 66/23 67/15</p> <p>uncorroborated [4] 92/1 92/7 95/2 95/25</p> <p>uncrush [1] 207/2</p> <p>uncrushed [2] 206/25 207/7</p> <p>under [4] 12/17 78/1 101/10 115/17</p> <p>underneath [3] 68/16 77/20 189/11</p> <p>understand [13] 5/4 20/21 28/16 30/2 60/1 60/22 177/12 193/9 199/4 209/11 212/15 216/15 219/22</p> <p>understandably [1] 48/10</p> <p>understanding [15] 101/6 114/18 139/6 158/20 159/14 161/16 164/16 178/6 182/13 189/15 192/17 197/22 204/10 209/7 212/15</p> <p>understands [3] 187/7 195/18 224/8</p> <p>understood [3] 198/23 214/5 214/8</p> <p>unfolded [1] 170/18</p> <p>unfortunately [2] 48/3 74/22</p> <p>unidentifiable [1] 35/2</p> <p>unique [1] 62/11</p> <p>units [1] 35/16</p> <p>unless [2] 19/9 99/19</p> <p>unlike [1] 87/4</p> <p>unnatural [3] 57/22 59/10 60/3</p> <p>unnecessary [1] 92/14</p> <p>unsure [1] 213/9</p> <p>until [14] 5/13 5/16 7/24 32/4 42/10 55/9 88/20 94/1 99/19 101/2 154/20 160/19 201/6 211/9</p> <p>unusual [5] 82/23 110/5 125/18 136/11 136/13</p> <p>up [103] 21/4 34/4 43/14 48/7 48/15 50/12 55/25 57/7 65/3 69/15 76/9 77/16 77/20 78/24 81/25 83/10 83/19 84/20 84/22 85/6 85/7 85/13 85/14 85/18 87/2 87/14 92/20 93/18 94/23 96/23 98/18 104/8 104/10 106/4 109/24 112/23 119/9 121/5 121/8 121/16 121/17 121/21 127/18 129/18 132/23 134/2 135/1 138/15 139/22 140/5 140/10 142/22 143/5 147/16 148/8 148/15 149/4 149/18 149/25 150/3 155/1 156/8 159/7 161/17</p>	<p>V</p> <p>V3 [3] 80/18 110/13 111/8</p> <p>value [1] 151/24</p> <p>van [17] 38/20 40/8 40/9 41/7 48/2 84/21 86/5 167/11 167/17 167/17 183/18 184/17 185/12 190/15 190/15 190/19 190/20</p> <p>various [2] 97/11 160/22</p> <p>vehicle [118] 34/3 34/9 34/13 34/13 34/16 34/17 35/5 35/20 36/1 36/21 40/23 48/23 50/13 51/21 52/13 52/14 68/12 68/17 77/2 77/15 106/5 106/20 107/1 115/5 116/18 116/20 117/5 135/12 135/13 141/1 141/3 142/9 146/6 146/10 146/12 146/13 146/14 146/20 146/23 146/25 147/9 147/11 147/12 147/13 147/15 147/20 147/22 147/25 148/4 148/8 148/11 148/14 148/17 149/8 149/12 149/17 149/24 150/16 150/17 150/18 150/19 151/6 151/8 151/11 151/16 151/19 151/23 152/1 152/1 152/6 152/7 152/15 154/9 154/13 154/15 154/18 154/18 154/21 154/23 155/16 156/6 156/8 156/12 156/13 156/18 156/21 157/25 158/1 158/5 158/13 158/22 159/7 167/21 169/18 170/5 170/8 170/16 171/4 180/3 183/23 185/12 185/25 199/1 199/2 201/6 204/10 204/22 205/16 205/25 206/4 206/12 206/23 207/1 207/10 207/23 208/21 209/1 209/19</p> <p>vehicles [43] 35/1 37/6 49/12 106/1 135/8 139/3 140/10 140/10 140/24 141/4 141/15 142/17 142/18 143/9 143/11 143/14 143/15</p>	<p>W</p> <p>wagon [1] 170/6</p> <p>wait [1] 56/9</p> <p>waiting [3] 158/8 205/1 205/4</p> <p>waits [1] 66/24</p> <p>walk [6] 83/2 96/12 171/7 182/7 209/13 212/25</p> <p>walk-through [2] 182/7 209/13</p> <p>walked [1] 68/19</p> <p>walking [2] 83/5 209/5</p> <p>walks [2] 65/20 124/25</p> <p>wall [6] 38/1 38/3 73/2 187/5 187/6 187/18</p> <p>want [36] 23/13 27/15 32/7 36/19 57/6 60/25 65/11 65/18 66/3 75/8 86/18 87/11 87/13 87/25 89/19 91/15 91/20 91/22 91/24 93/7 93/8 93/19 93/21 94/1 94/2 94/22 95/20 95/22 106/3 132/20 159/12 160/24 165/15 197/6 207/6 207/7</p> <p>wanted [12] 21/4 22/18 24/14 94/13 99/3 99/21 104/8 105/2 105/15 107/15 108/21 115/15</p>

W

wants [4] 65/7 84/7 85/7 89/17
warn [1] 63/7
warrant [11] 70/11 71/15 72/5 144/23
144/25 145/1 145/10 162/9 162/16 162/18
210/2
warrants [5] 35/9 35/10 35/10 35/14 49/1
was [441]
washed [1] 219/6
wasn't [11] 36/2 45/10 45/10 55/5 58/13
60/21 62/15 110/1 125/18 218/8 222/3
watch [14] 62/23 84/7 86/4 92/11 93/2 93/8
93/16 93/17 94/5 94/17 107/22 108/21 125/3
131/2
watched [1] 131/8
watches [2] 83/11 86/7
watching [7] 22/16 63/4 83/22 91/16 93/3
107/17 130/24
watery [1] 212/13
way [27] 22/22 24/16 40/24 47/14 47/14
47/20 56/9 67/25 71/23 74/21 75/5 82/25
92/22 111/3 124/22 137/11 138/13 142/19
146/19 151/4 158/20 182/19 192/21 193/19
198/24 215/6 216/11
ways [3] 10/13 14/21 18/1
we [163] 4/20 5/18 21/20 22/1 23/21 24/16
26/3 27/5 27/13 29/15 32/4 32/5 44/10 45/25
47/15 48/12 49/15 51/3 52/6 53/11 53/18
59/22 59/25 60/9 60/16 60/19 61/2 61/14
62/8 63/15 63/16 65/6 65/16 67/12 68/13
69/25 70/12 70/13 70/14 71/2 74/15 76/14
76/15 76/16 76/16 77/14 77/21 79/2 80/3
80/6 80/7 86/10 86/18 86/18 87/18 87/21
88/8 88/19 91/15 91/17 91/20 91/24 93/8
94/2 95/3 96/4 97/6 97/14 97/20 98/25 99/3
99/21 100/7 100/10 100/17 100/21 101/3
101/22 102/2 104/7 104/11 108/12 108/19
109/9 111/21 112/9 112/10 112/22 112/23
113/22 114/12 114/12 115/25 118/4 118/5
121/9 124/3 124/3 124/5 124/24 124/25
125/24 126/1 128/11 128/20 131/1 131/9
132/22 133/2 133/25 136/7 142/11 143/1
146/25 147/1 149/20 150/21 151/10 152/7
152/21 154/1 154/20 157/1 157/7 157/10
157/14 157/19 162/15 162/16 162/23 162/23
162/25 163/2 163/10 163/11 163/13 163/14
165/15 165/18 166/3 166/22 167/15 168/1
168/5 172/12 173/8 173/12 174/4 176/25
177/1 177/11 185/6 191/25 196/7 205/25
208/17 209/21 210/11 212/21 215/12 217/9
217/11 223/14
we'd [2] 104/9 173/21
we'll [34] 23/4 36/11 42/13 42/19 50/6 53/24
62/8 74/21 75/11 76/17 77/9 87/7 87/18 95/3
95/15 97/8 97/8 97/25 101/12 101/13 102/8
102/8 104/2 117/22 136/25 160/17 160/19
175/6 193/2 195/19 215/18 215/18 217/10
225/3
we're [56] 24/15 24/16 25/22 36/8 50/19
53/4 54/3 62/25 64/14 70/19 81/5 82/15 94/1
96/20 97/24 99/22 114/16 115/25 119/20
128/11 129/6 141/10 142/4 143/1 143/5
146/9 147/9 147/24 148/12 155/5 159/15
163/19 164/1 165/11 165/19 167/16 173/2
176/11 183/5 183/6 183/13 185/17 186/10
187/1 187/13 187/19 190/11 190/22 191/3
193/7 200/14 214/7 222/13 222/16 223/4
224/24
we've [8] 75/18 94/6 149/21 159/19 166/17
179/10 196/14 199/17
weapon [5] 16/8 18/6 18/17 18/19 65/23
weapons [1] 49/22

wear [1] 128/25
wearing [7] 78/16 79/15 79/18 126/14
126/16 174/14 194/12
weather [2] 151/14 151/15
weddings [1] 105/13
Wednesday [3] 42/21 109/25 118/5
week [15] 11/18 26/11 42/15 63/2 109/6
142/13 169/8 169/12 175/7 178/25 179/16
187/19 195/19 196/11 202/24
week-long [1] 169/8
weeks [3] 21/12 22/2 50/18
weigh [3] 203/15 203/16 203/19
weighed [1] 203/13
weight [4] 7/12 12/16 96/14 96/15
well [83] 9/7 13/17 16/21 22/11 22/12 22/19
23/1 24/2 27/1 32/23 33/16 47/8 54/14 56/6
56/8 61/13 70/11 71/3 73/9 74/17 77/17
83/24 85/18 87/9 89/12 89/17 89/20 93/2
96/10 96/16 96/17 100/20 103/14 104/3
104/6 105/12 108/16 117/21 118/25 124/3
135/16 137/2 138/1 142/6 149/7 151/21
152/3 153/6 154/1 159/10 161/16 164/24
165/4 166/25 171/11 175/4 178/9 179/24
181/25 183/1 186/20 187/10 190/6 193/3
194/6 197/11 199/24 200/23 201/19 206/14
206/19 206/21 207/2 207/25 208/13 211/7
212/17 214/14 216/10 217/9 218/8 220/13
222/15
well-informed [1] 117/21
went [20] 68/16 78/1 104/15 104/20 111/20
111/22 111/23 114/22 127/17 135/6 145/18
194/9 198/13 199/11 210/6 214/11 214/13
214/18 218/24 220/22
were [217] 6/6 10/23 11/4 15/6 18/10 20/24
24/20 24/24 25/8 25/10 26/19 32/19 33/1
35/14 39/6 39/21 41/13 41/21 41/21 42/4
42/16 42/17 42/17 42/18 42/21 61/24 62/1
62/2 68/15 68/23 69/2 69/4 70/2 71/11 72/22
72/23 73/10 77/13 78/15 78/25 78/25 79/14
79/15 79/23 80/1 80/4 80/11 80/16 81/8 82/6
99/23 103/12 105/23 106/7 106/19 107/9
107/15 107/22 107/24 108/16 108/17 109/9
112/5 112/7 112/12 113/3 113/3 113/6 113/8
113/11 113/12 114/25 115/1 116/1 116/9
116/12 116/19 117/9 117/24 117/25 118/3
118/4 118/5 118/6 118/7 119/1 120/2 120/6
121/9 124/1 124/3 124/16 126/2 126/20
126/25 127/12 127/23 128/14 129/15 131/9
134/3 134/6 135/8 136/7 136/14 143/14
143/15 147/21 148/3 148/20 151/21 151/23
151/25 152/14 152/16 152/16 153/20 154/1
154/6 155/18 155/22 155/22 156/4 157/6
157/8 157/14 158/16 163/6 163/10 164/4
165/9 166/9 166/9 166/17 167/10 168/5
168/22 168/23 168/24 169/9 169/11 169/14
169/17 169/22 169/23 170/6 170/7 170/9
170/10 170/17 170/20 171/4 172/17 173/18
175/9 175/12 176/15 176/24 177/6 177/11
177/13 180/1 180/4 180/5 180/8 180/11
180/14 180/16 180/17 180/21 180/22 180/23
181/5 181/11 182/20 187/8 189/13 191/22
192/5 193/21 194/10 194/19 194/23 197/2
198/7 198/7 198/8 198/11 200/15 200/21
201/1 201/4 204/25 205/4 205/12 207/13
207/20 210/9 211/2 211/7 211/16 212/25
213/8 213/8 213/23 215/10 216/6 216/11
216/13 217/7 217/19 217/24 218/8 218/9
220/13 223/16 224/9
weren't [4] 41/25 60/18 166/23 201/12
west [10] 23/20 103/21 104/6 137/10 142/16
166/4 171/3 185/25 190/8 190/23
what [235]
what's [30] 39/5 56/17 61/21 76/8 79/8

84/11 86/25 103/23 105/17 106/24 110/22
117/15 118/13 119/5 142/22 143/23 144/22
148/25 149/21 150/11 151/1 155/5 158/17
163/18 167/14 171/19 171/23 172/25 178/1
181/14
whatever [4] 96/14 96/15 178/8 205/16
when [104] 5/20 9/9 13/20 16/24 20/4 20/25
27/18 27/19 29/9 29/15 31/3 31/3 32/5 33/18
33/19 34/10 34/10 38/1 38/9 39/13 47/15
47/15 47/16 52/11 52/12 52/23 53/8 53/22
55/16 56/22 59/21 60/16 61/9 62/8 65/6
65/16 68/19 69/14 71/1 72/21 74/4 76/6 80/3
84/16 87/10 87/21 88/7 89/3 92/11 93/2
93/20 93/22 93/25 94/17 95/20 95/21 104/3
106/3 109/20 110/19 112/1 112/14 112/21
112/21 118/3 120/4 126/24 128/17 129/13
134/23 135/15 138/12 140/16 146/15 153/20
154/7 155/16 157/7 158/21 162/18 165/11
165/18 166/22 175/17 177/9 194/13 194/16
194/25 195/11 195/14 198/23 199/18 199/20
200/2 200/9 204/9 206/9 206/16 210/9
212/21 214/2 217/11 217/25 220/22
where [90] 21/20 23/21 24/12 33/14 34/16
44/9 44/17 47/23 48/11 51/23 53/6 58/18
59/2 59/4 68/4 71/14 71/19 72/6 72/8 72/10
74/23 76/23 76/24 77/1 84/24 89/8 91/4 91/6
92/6 96/22 103/18 106/7 111/22 112/21
113/6 115/14 116/8 117/8 118/18 124/10
129/12 129/12 131/2 135/8 135/12 137/14
137/25 138/4 138/14 139/2 139/21 140/25
141/13 142/4 144/2 150/14 152/7 155/21
155/22 156/3 156/5 158/1 158/3 158/4
160/21 169/14 169/16 171/25 176/15 176/16
176/24 177/7 186/12 188/9 189/6 189/10
189/10 190/15 193/15 194/9 205/14 210/9
210/22 211/5 212/12 212/18 213/7 213/15
215/20 221/14
whether [26] 10/7 11/6 14/15 17/20 26/13
27/22 28/17 52/19 52/20 54/5 61/6 63/18
63/20 63/22 69/12 69/13 69/18 69/23 81/13
102/22 115/22 130/16 151/24 200/8 210/16
211/2
which [67] 6/23 6/24 7/5 8/13 10/1 10/21
14/9 15/5 17/14 18/9 19/10 19/24 19/25 20/6
20/8 22/14 23/19 24/20 26/14 29/21 30/17
32/13 32/15 37/2 37/3 48/17 49/18 54/16
71/24 71/24 78/10 80/7 80/16 82/6 100/12
100/14 130/4 134/7 134/14 134/18 138/18
138/19 139/22 140/12 140/13 141/14 152/22
157/2 157/4 158/11 162/16 171/15 178/13
185/6 185/14 186/24 188/7 191/19 191/21
195/15 196/14 198/24 200/20 207/9 207/22
216/19 223/15
whichever [2] 214/9 214/10
while [10] 11/13 12/7 12/10 20/13 65/21
69/7 91/16 106/9 111/25 155/4
white [6] 74/2 74/4 172/6 174/24 175/2
175/5
who [75] 6/19 9/3 9/7 9/12 9/14 10/16 13/14
13/17 13/23 13/24 14/24 16/18 16/21 17/2
17/3 18/4 24/3 25/1 25/4 28/5 28/11 31/19
45/18 55/14 60/7 60/11 60/18 60/19 62/2
63/10 65/14 66/25 73/17 73/18 74/18 76/4
78/8 81/8 81/25 83/6 87/12 88/24 95/19 97/2
103/1 116/6 123/18 125/11 134/11 135/14
146/21 153/14 165/8 168/6 168/9 168/10
168/10 168/11 169/22 169/23 169/24 170/10
177/17 181/12 193/13 198/7 198/8 198/19
199/18 199/21 200/9 204/18 210/5 220/11
222/3
who's [5] 60/11 67/7 69/10 83/20 197/10
whoever [4] 13/5 16/10 54/13 206/23
whoever's [1] 8/20

<p>W</p> <p>whole [5] 26/24 29/4 51/2 108/11 209/24</p> <p>whose [1] 68/9</p> <p>why [15] 24/15 35/4 35/4 42/10 53/12 95/1 95/2 103/10 104/9 140/21 157/10 157/12 161/3 161/3 204/17</p> <p>Wiegert [23] 24/25 25/1 55/20 56/14 56/19 58/11 69/24 90/22 116/24 116/24 117/14 121/7 128/9 128/10 128/17 129/5 136/9 136/24 172/15 175/21 176/10 195/21 197/12</p> <p>Wiegert's [3] 105/17 119/9 127/3</p> <p>Wild [1] 131/24</p> <p>will [124] 4/2 5/18 5/24 7/16 7/22 7/25 8/2 8/11 8/13 20/17 20/20 21/25 22/5 22/13 23/11 23/25 24/7 24/11 24/17 26/8 27/3 27/21 30/3 31/17 33/2 34/23 34/23 38/11 40/9 40/17 41/2 41/20 42/15 44/5 44/24 46/2 47/25 48/3 52/6 53/11 53/22 55/25 56/6 56/12 56/16 56/23 58/12 58/15 58/19 58/20 58/25 59/1 59/3 60/1 60/15 60/17 60/20 61/3 61/3 61/18 63/22 64/4 66/16 67/14 68/18 69/18 69/20 70/15 70/16 70/17 70/18 70/18 73/6 73/7 73/7 73/10 73/16 73/18 73/19 74/1 74/10 74/18 75/7 75/9 75/14 75/20 76/16 77/7 78/8 78/11 80/8 80/22 81/11 81/12 86/10 90/19 91/7 92/16 95/3 95/9 96/4 96/9 98/6 98/9 101/5 123/3 129/7 136/15 149/9 153/5 162/18 166/18 179/1 179/21 182/9 182/13 186/6 188/3 190/2 190/3 190/4 196/1 196/10 208/10</p> <p>William [1] 169/23</p> <p>willing [4] 9/13 13/23 17/3 28/9</p> <p>willingness [4] 9/15 13/25 17/4 28/12</p> <p>win [1] 96/23</p> <p>windows [2] 147/15 204/21</p> <p>wing [1] 203/4</p> <p>Winnabago [1] 180/20</p> <p>wins [2] 83/8 97/2</p> <p>wiped [1] 211/10</p> <p>Wis [2] 99/15 99/16</p> <p>WISCONSIN [27] 1/1 1/3 1/14 1/16 1/18 4/3 8/19 10/16 13/5 14/24 16/9 18/4 25/15 43/12 44/20 114/11 133/19 135/22 149/14 152/11 152/12 170/12 170/13 180/7 181/12 226/1 226/6</p> <p>wish [2] 96/16 98/22</p> <p>within [7] 41/12 50/9 105/7 117/24 142/15 182/17 217/20</p> <p>without [6] 18/5 65/24 179/6 179/7 214/15 215/8</p> <p>witness [18] 6/20 55/14 55/14 55/21 55/21 62/14 69/17 96/15 102/9 102/14 122/5 123/8 123/12 133/9 193/25 196/2 224/14 224/15</p> <p>witness' [1] 62/13</p> <p>witnesses [23] 3/7 5/22 5/24 6/18 7/4 7/12 7/19 22/11 56/14 56/15 56/21 57/4 57/12 58/12 75/6 86/16 86/24 88/6 88/13 97/8 160/22 224/16 224/19</p> <p>woman [18] 28/23 29/13 31/20 47/1 47/11 64/18 64/23 65/8 65/13 65/14 65/24 66/23 67/16 68/9 80/23 103/4 116/2 153/10</p> <p>woman's [1] 29/10</p> <p>women [1] 116/3</p> <p>won't [4] 75/8 90/4 90/6 95/1</p> <p>Wood [1] 84/20</p> <p>word [4] 65/11 70/20 182/3 221/24</p> <p>words [11] 12/3 15/19 59/23 61/8 63/19 79/21 113/20 151/2 154/13 165/8 186/5</p> <p>wore [1] 174/19</p> <p>work [13] 44/14 44/21 48/8 83/24 104/20 109/3 113/18 113/20 141/19 141/21 207/14 209/21 219/9</p>	<p>worked [6] 29/19 29/20 30/1 105/4 195/2 195/4</p> <p>worker [1] 103/5</p> <p>working [3] 105/1 105/22 191/7</p> <p>works [4] 24/5 25/4 80/14 113/24</p> <p>workshop [1] 138/5</p> <p>workup [1] 31/24</p> <p>world [1] 73/1</p> <p>worn [2] 173/25 174/9</p> <p>worried [4] 110/2 110/7 111/18 113/1</p> <p>worth [2] 22/4 36/7</p> <p>would [125] 4/16 20/3 32/15 38/19 55/10 80/20 89/5 89/6 94/8 96/18 97/15 97/17 98/17 99/7 99/12 99/14 99/17 99/24 99/25 100/5 101/1 101/9 102/1 102/11 105/15 105/25 106/2 106/2 106/3 106/4 106/6 106/9 107/20 108/2 109/2 109/6 114/19 120/7 120/19 124/3 124/4 124/5 124/7 124/22 124/24 124/24 124/25 125/3 125/24 131/2 132/3 132/14 133/6 134/16 135/2 135/23 138/14 138/19 139/10 139/22 140/3 140/13 142/16 148/10 150/7 151/11 153/2 153/4 154/4 156/8 158/22 159/7 159/8 159/10 163/8 164/19 166/4 167/21 171/7 171/15 171/16 173/13 178/8 179/2 182/7 182/9 183/3 185/24 187/12 190/6 190/9 191/7 191/25 193/24 195/15 199/6 199/7 202/15 202/16 202/21 203/1 203/11 205/19 206/3 206/11 206/12 207/16 209/2 209/6 209/15 210/5 211/4 211/17 212/19 212/25 213/19 215/25 217/22 219/19 220/14 223/14 223/17 223/19 224/17 224/19</p> <p>wouldn't [5] 203/3 203/10 209/20 217/10 220/15</p> <p>wound [2] 73/23 74/3</p> <p>wounds [2] 74/6 74/11</p> <p>wrap [1] 64/25</p> <p>wraparound [1] 190/24</p> <p>wrecker [1] 152/2</p> <p>wreckers [1] 152/5</p> <p>write [1] 97/16</p> <p>written [2] 8/2 86/21</p> <p>wrong [5] 81/20 81/21 189/25 205/23 209/11</p>	<p>126/23 127/9 127/17 128/16 128/22 129/11 130/6 133/19 134/5 134/9 135/25 136/17 142/14 142/24 143/15 143/22 144/11 144/19 144/24 145/20 146/18 146/24 148/22 150/6 150/10 150/25 152/19 153/13 153/24 154/22 154/25 163/24 164/8 164/17 164/22 164/25 165/5 166/8 166/11 166/22 167/13 168/4 168/8 168/16 168/20 169/1 169/4 169/13 169/15 170/9 170/13 172/9 172/20 172/24 173/18 174/1 174/24 175/5 175/10 175/15 175/23 176/8 177/11 177/16 177/25 178/11 178/23 181/7 182/18 184/2 186/18 189/5 189/23 194/1 194/4 194/12 196/15 197/5 197/23 198/10 198/13 198/15 198/18 199/12 199/14 200/16 201/18 201/20 202/8 202/11 202/14 203/5 203/7 203/21 204/6 204/11 204/16 205/22 206/5 206/13 206/25 208/17 208/22 209/15 210/4 213/4 213/6 214/1 214/4 214/19 215/24 216/3 216/18 216/20 217/17 217/21 218/6 218/16 218/20 218/25 220/10 220/21 221/20 222/2 222/8 222/10 222/12 222/18 223/19 224/12</p> <p>yet [7] 36/22 39/8 61/24 62/1 66/25 155/2 157/16</p> <p>you [851]</p> <p>you'd [4] 137/3 189/25 217/9 217/12</p> <p>you'll [66] 22/16 23/7 24/11 31/6 33/8 33/24 34/8 34/15 35/4 35/4 35/8 35/9 36/17 37/7 37/9 37/24 37/25 38/16 38/22 39/11 40/11 41/8 44/5 44/12 48/19 48/22 49/2 49/5 49/12 49/23 50/2 56/13 58/21 59/12 59/13 60/6 60/14 60/22 60/24 61/6 61/7 61/7 61/9 61/11 66/17 68/8 69/23 73/16 73/21 73/21 74/17 74/17 75/5 75/17 76/3 76/9 76/23 76/25 78/12 86/15 89/22 90/1 90/3 90/18 93/3 155/14</p> <p>you're [117] 12/19 21/7 21/13 22/25 23/8 23/9 25/7 25/11 28/25 29/6 31/20 32/3 35/15 35/25 36/25 37/17 37/20 38/4 38/7 38/15 39/22 40/14 41/11 41/13 41/23 43/10 43/16 43/23 43/24 44/3 44/7 44/7 44/15 44/18 45/6 45/25 46/5 46/6 46/10 46/16 46/22 47/10 47/12 47/17 51/5 51/9 51/11 51/16 52/16 52/18 53/5 54/7 54/16 55/8 56/22 57/7 57/9 57/13 57/14 57/19 58/7 58/18 59/20 59/20 59/24 60/20 61/14 62/10 62/19 63/3 63/12 63/17 64/20 64/21 65/19 65/25 66/22 67/19 68/11 69/14 70/1 70/9 71/3 71/10 71/16 72/20 73/4 78/6 79/3 79/9 79/13 79/22 80/12 91/16 93/2 94/21 96/16 101/14 129/18 133/17 137/10 142/19 158/25 171/6 190/7 196/13 200/10 202/20 204/18 204/19 209/12 212/22 215/16 216/15 216/21 219/22 221/13</p> <p>you've [11] 6/5 21/11 33/22 88/14 88/15 88/16 104/19 119/21 128/19 206/6 219/22</p> <p>young [18] 28/23 29/10 29/12 63/10 64/17 65/14 66/3 67/16 67/17 68/9 79/3 81/3 81/8 81/25 82/10 102/23 103/4 116/2</p> <p>younger [8] 103/16 107/4 107/9 107/11 107/14 114/19 123/21 124/19</p> <p>your [125] 4/17 5/4 5/6 5/10 5/12 5/16 6/8 7/20 7/21 7/22 8/4 8/8 19/2 19/9 20/13 23/3 26/18 30/24 52/19 53/10 54/17 61/8 61/15 63/21 63/21 64/25 69/12 71/17 81/12 86/22 87/24 88/21 88/22 96/11 97/1 97/1 98/17 100/3 101/15 102/9 102/17 102/17 103/13 107/19 108/4 108/23 109/1 109/7 113/4 115/20 118/1 118/8 119/17 119/17 120/9 120/16 121/4 121/9 121/11 122/17 123/5 123/11 123/11 124/19 125/17 126/6 126/18 126/24 127/16 127/24 128/25 128/25 129/1 130/14 130/16 130/23 131/7 131/16 131/18 131/21 133/12 133/12 133/22 134/22 135/21</p>
	<p>X</p> <p>x-ray [1] 76/6</p> <p>x-rayed [1] 74/4</p> <p>x-rays [1] 73/24</p> <p>Y</p> <p>Y.E.S [1] 113/25</p> <p>yard [43] 30/7 32/9 84/19 85/3 85/6 106/18 116/11 134/19 134/22 134/23 134/24 135/8 136/22 138/23 139/1 139/4 139/11 140/4 141/16 141/18 143/9 143/16 152/25 152/25 155/9 156/9 157/3 157/23 158/12 159/19 160/1 160/3 160/5 160/7 160/8 160/9 160/11 163/4 169/5 171/17 180/19 184/12 198/14</p> <p>yards [3] 84/6 139/23 183/17</p> <p>yeah [11] 98/9 101/5 106/9 107/20 115/25 117/6 118/2 131/13 131/15 195/13 221/4</p> <p>year [8] 29/12 63/14 66/23 82/12 90/12 90/13 93/12 103/22</p> <p>years [9] 28/24 104/15 107/10 107/11 123/24 197/1 197/5 206/6 219/9</p> <p>yellow [3] 155/13 156/1 163/25</p> <p>Yep [5] 89/8 118/23 124/21 125/14 125/20</p> <p>yes [166] 4/24 5/1 21/1 65/18 66/17 84/9 85/8 88/19 98/16 102/24 106/14 106/21 108/7 108/15 108/17 110/11 110/21 111/2 111/5 111/9 112/16 113/11 113/16 113/22 114/12 115/4 116/5 116/22 117/13 118/12 119/4 119/23 120/3 124/15 125/2 126/19</p>	

Y

your... [40] 136/14 137/10 143/12 144/7
145/21 146/22 147/5 150/7 153/25 160/13
164/16 166/21 172/10 178/6 183/12 187/23
189/14 190/17 192/17 196/20 197/15 197/15
197/22 198/24 200/14 200/15 200/24 202/1
202/15 203/3 203/22 204/9 204/23 208/25
209/11 210/20 211/11 215/17 223/17 223/22
yourself [6] 5/5 69/23 76/10 150/21 197/11
221/25
yourselves [3] 5/15 60/14 63/3
Youth [1] 113/25

Z

zipper [1] 79/25
Zipperer [4] 47/17 177/18 177/20 177/22
Zipperer's [1] 47/2
Zire [1] 119/19
zoom [2] 141/20 166/5
zooms [2] 128/17 128/18